

## Policy Committee

**Wednesday, 16 September 2020 at 10:30**

Virtual meeting, <https://www.youtube.com/user/nottsccl>

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### AGENDA

- |    |  |         |
|----|--|---------|
| 1  | Minutes of the last meeting held on 15 July 2020   | 5 - 8   |
| 2  | Apologies for Absence  |         |
| 3  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |         |
| 4  | Devolution and Local Government In Nottinghamshire   | 9 - 16  |
| 5  | Delivery of Trees for Climate Programme in Nottinghamshire   | 17 - 22 |
| 6  | Statement of Community Involvement COVID-19 Addendum   | 23 - 38 |
| 7  | Enforcement Policy for the Trading Standards Regional Investigation Team   | 39 - 46 |
| 8  | Learning Disability and Autism Community Discharge Grant   | 47 - 50 |
| 9  | Proposed Expansion of Toot Hill School   | 51 - 56 |
| 10 | Proposed Acquisition of Primary School Site - North of Gateford Park Worksop   | 57 - 62 |
| 11 | Lindhurst Development Update   | 63 - 70 |

## 13 EXCLUSION OF THE PUBLIC

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in 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 during consideration of the following items.

**EXEMPT INFORMATION ITEMS**

## 14 Lindhurst Development 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 15 July 2020 (commencing at 10.30 am)

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

Mrs Kay Cutts MBE (Chairman)

Reg Adair (Vice-Chairman)

Chris Barnfather

Richard Butler

John Cottey

Kate Foale

Stephen Garner

Glynn Gilfoyle

Tony Harper

Richard Jackson

John Knight

Bruce Laughton **A**

Rachel Madden

David Martin

Philip Owen

John Peck JP **A**

Mike Pringle

Alan Rhodes

Muriel Weisz

**SUBSTITUTE MEMBERS**

Kevin Rostance for Bruce Laughton

Liz Plant for John Peck

**OFFICERS IN ATTENDANCE**

Anthony May

Nigel Stevenson

Marjorie Toward

Angie Dilley

Keith Ford

Chief Executives Department

Adrian Smith

Andy Evans

Derek Higton

Place Department

**1 MINUTES**

The Minutes of the last meeting held on 17 June 2020, having been previously circulated, were confirmed and signed by the Chairman.

## **2     APOLOGIES FOR ABSENCE**

Councillor Bruce Laughton – Other Reasons  
Councillor John Peck - medical

## **3     DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS.**

Councillor Chris Barnfather declared a private non-pecuniary interest in agenda items **8** and **12** – Investing in Nottinghamshire – Top Wighay Update and Exempt Appendix, as a Member of Gedling Borough Council's Planning Committee, which did not preclude him from speaking or voting on those items.

## **4     EXPANSION OF SOUTH NOTTINGHAMSHIRE ACADEMY**

**RESOLVED: 2020/063**

- 1) That the principle of an increase in capacity at South Nottinghamshire Academy by one form of entry (150 school places) be approved.
- 2) That funding of £25,00 be approved to enable detailed analysis, site surveys and feasibility studies that would assess deliverability and estimated construction costs.

## **5     2020-21 SCHOOLS BUILDING IMPROVEMENT PROGRAMME (SBIP) LATEST ESTIMATED COSTS (LEC)**

In response to issues raised during discussions, officers agreed to share wider details of the Maun primary project with the local Member.

**RESOLVED: 2020/064**

That the Latest Estimated Costs of the School Buildings Improvement Programme and the progression of the projects to construction phase based on these costs be approved.

## **6     2020-21 PROPERTY PLANNED MAINTENANCE PROGRAMME (PPMP) LATEST ESTIMATED COSTS (LEC)**

In response to issues raised in discussions, officers agreed to:

- a) clarify the reasons for and the type of work required to Retford Bus Station;
- b) arrange a visit for Members to the outdoor education centres, once lockdown restrictions had been lifted.

**RESOLVED: 2020/065**

That the Latest Estimated Costs of the Property Planned Maintenance Programme and the progression of the projects to construction phase based on these costs be approved.

**7      COMPENSATION FOR ACQUISITION OF LAND AT HIGH STREET,  
HUCKNALL – HUCKNALL TOWN CENTRE IMPROVEMENT SCHEME**

**RESOLVED: 2020/066**

That the Capital programme be varied to fund the payment of compensation for the acquisition of land at High Street, Hucknall, subject to a capital bid to the Corporate Asset Management Group.

**8      INVESTING IN NOTTINGHAMSHIRE: TOP WIGHAY FARM - UPDATE**

**RESOLVED: 2020/067**

- 1) That no further update information was required at this stage.
- 2) That the Corporate Director, Place, in consultation with the Group Manager - Legal and Democratic, the Service Director – Finance, Infrastructure and Improvement and the Chairman of Policy Committee, to approve terms for the grant of an easement and relevant contracts over third-party land for the recommended option 1, as set out in the exempt appendix to the report.

**9      WORK PROGRAMME**

**RESOLVED: 2020/068**

That no amendments were required to the Work Programme.

**10     EXCLUSION OF THE PUBLIC**

**RESOLVED: 2020/069**

That the public be excluded for the remainder of the meeting on the grounds that the discussions were 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 outweighed the public interest in disclosing the information.

**11     COMPENSATION FOR ACQUISITION OF LAND AT HIGH STREET,  
HUCKNALL – HUCKNALL TOWN CENTRE IMPROVEMENT SCHEME –  
EXEMPT APPENDIX**

**RESOLVED: 2020/070**

That the information in the exempt appendix be noted and Option 1 be confirmed as the agreed option.

The meeting closed at 11.36 am.

CHAIRMAN



**REPORT OF THE LEADER OF THE COUNCIL****DEVOLUTION AND LOCAL GOVERNMENT IN NOTTINGHAMSHIRE****Purpose of the Report**

1. To seek approval for the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government requesting an invitation for the County Council to come forward with proposals for unitary local government for the County Council's administrative area.
2. To seek approval for the development of draft proposals for unitary local government for the County Council's administrative area (in anticipation of the invitation from the Secretary of State) to be considered at a future meeting of County Council.
3. To seek approval for funding of £100,000 for early work on the proposals and for the Chief Executive to commission an independent research company to conduct appropriate public and stakeholder engagement, and an independent accountancy firm to validate financial information, to inform the proposals for unitary local government.

**Information**

4. In recent months, there have been significant developments that make the case for a review of the arrangements for local government in Nottinghamshire.

*Devolution and Local Recovery White Paper*

5. The Government has announced its intention to publish a White Paper - '*Devolution and Local Recovery*'. Based on ministerial announcements and meetings with ministers and officials, it is anticipated the White Paper will enable devolution as a cornerstone of local recovery and growth. Specifically, it is likely the White Paper will set out the Government's intention to roll out more devolution deals, incorporating significant investment in local economic infrastructure, through the establishment of new Combined Authorities. Unlike most of the English regions and/or sub regions, the East Midlands does not benefit from a devolution deal. In recent years, areas such as the West Midlands and Greater Manchester have drawn down significant powers and resources through devolution.
6. In addition, it is expected the White Paper will make local government reorganisation a pre-requisite for devolution. In two-tier areas, this means the establishment of new unitary councils, which could then group together with other similar councils, to form new Combined Authorities. In this scenario, counties which retain two-tier local government could be at a

disadvantage, unable to access large scale government investment and acquire much needed influence/control over economic and public policy.

7. In recent years, across the East Midlands, there have been attempts to agree devolution deals (including across Derbyshire and Nottinghamshire) but they have not been successful, largely because the councils involved could not agree on the form and function of the arrangements.
8. Since 2017, upper tier councils in the East Midlands have informally explored joint working through a “strategic alliance”, but this has not come to fruition, because such a construct would not offer a vehicle for formal devolution.
9. With the advent of the White Paper, it seems there will be a renewed opportunity to devise proposals for devolution in the East Midlands. This could include the potential for new and existing unitary councils to come together in a Combined Authority. Such a Combined Authority could negotiate and secure a devolution deal with central government to level up investment in the region and drive recovery and prosperity in Nottinghamshire.
10. Based on existing deals, a devolution package for the East Midlands could incorporate investment in infrastructure, skills, transport and housing. In the light of the current and continuing impact of COVID-19, such investment would be of vital importance in enabling the Region’s economy to recover from COVID-19 for the benefit of local people.
11. Given the significant underinvestment in the East Midlands over decades and the impact of COVID-19, it is imperative for people and businesses that Nottinghamshire does not miss out on the opportunity for funding and powers for economic growth, through devolution.

#### *Financial Sustainability and the Impact of COVID-19*

12. Long-term changes in government funding and increasing demand for a range of services mean that, even prior to the COVID-19 crisis, all tiers of local government faced significant financial challenges. As with all upper tier councils, the impact of COVID-19 on the County Council’s finance has been significant, particularly in adults and children’s services. This will place further pressure on revenue and capital budgets for 2021/22 and beyond. It is understood that similar pressures are being felt across Nottinghamshire’s District and Borough Councils.
13. As a result of the pandemic, the national economy faces a crisis even greater than in 2008. It is expected that the financial shock of the pandemic on public finances will be felt for a generation, placing local government under continuing pressure to deliver services ever more efficiently and make inevitable cuts to services. In other counties where unitary local government has been established, substantial efficiency savings have been generated, helping protect highly valued and vital services and providing significantly better value for money to council tax payers. This is supported by recently published national research by PriceWaterhouseCoopers which showed that merging district and county councils in each area across the country into single unitary councils could save £2.94bn over five years nationally.
14. Given the County Council is facing a budget deficit of £51m over the coming 3 years, it is reasonable, that savings, which could be generated by restructuring, are explored as a legitimate alternative to reductions to the front line.

## *Broader Transformation of Public Services, Resilience and Recovery in the light of COVID-19*

15. Nottinghamshire's communities and partners, including all tiers of local government, have worked together well during the COVID-19 crisis to deliver a response which has protected Nottinghamshire's vulnerable residents. However, the pandemic, through examples such as the Coronavirus Community Support Hub, has highlighted opportunities to do things better and more efficiently, through streamlining the current structures and operating models. A unitary system offers an opportunity to align services, simplify and speed up decision-making and create a council that can respond more quickly and easily to the needs of residents at the local level. Experience elsewhere suggests that unitary councils can do this in a more cost-effective way and work more coherently and consistently with other public sector partners such as the NHS and the Police.
16. The socio-economic impacts of the COVID-19 crisis are significant and likely to be long lasting. Local government in Nottinghamshire will need to be efficient and resilient in order to respond effectively to these impacts. The challenge in Nottinghamshire of tackling the pandemic has increased the financial pressure on local government in the County, and highlighted the need for an integrated approach to ensure sufficient and consistent focus on economic and social recovery. To aid recovery, the County needs a consistent, strategic voice that can negotiate with partners, government and business. Experience elsewhere suggests that a unitary system of local government would provide a single voice and the strategic influence required to secure service improvements and investment.
17. Given the threat of further pandemics and the ongoing impact of COVID-19 on people and businesses across Nottinghamshire, it is timely and appropriate to revisit local government restructuring. This could create a "once in a generation" opportunity to transform local government services in Nottinghamshire, and to ensure they are resilient and able to meet the needs of the most vulnerable.

### **Next steps**

18. Given the impact of the COVID-19 pandemic and the anticipated content of the forthcoming Devolution and Recovery White Paper, it is appropriate to develop proposals for unitary local government in Nottinghamshire.
19. Section 2 of the Local Government and Public Involvement in Health Act 2007 enables the Secretary of State to invite any principal local authority (i.e. District/Borough or County) to make a proposal for developing a unitary authority. When examining the case for local government reorganisation in an area, the Secretary of State can invite all affected upper and lower tier authorities to come forward with proposals. All proposals received will be evaluated by the Secretary of State in light of the government's criteria for reorganisation and the aims and objectives of the forthcoming White Paper. Those that are acceptable will be put to public consultation before the final form of local government is decided.
20. In view of the circumstances, challenges and opportunities outlined in this report, it is recommended that the case for local government reorganisation in Nottinghamshire be examined as quickly as possible. It is proposed that the Leader of the Council writes to the Secretary of State to invite the County Council to submit proposals for the establishment of a unitary structure of local government for the County Council's administrative area. In doing so,

it is recognised that the Secretary of State may use his discretion to issue a similar invitation to Nottinghamshire's District and Borough Councils. A draft of the Leader's letter to the Secretary of State is attached as Appendix A.

21. Should the Secretary of State invite submissions from Nottinghamshire, then the County Council would be invited to come forward with proposals, for consideration at a meeting of the County Council.
22. In order that the proposals reflect the views of the public and stakeholders, it is recommended that an independent social research company undertake listening, engagement and preparation work on the Council's behalf. Furthermore, it is recommended that an independent accountancy firm be commissioned to validate the financial information in the proposals. These pieces of work will take place between September and November and are estimated to cost up to £100,000. A request for budget from contingency will be made to Finance & Major Contracts Management Committee for this amount. The findings of this work will be incorporated into the proposals presented to Full Council.

### **Other Options Considered**

23. An alternative to the course of action recommended in this report would be to not revisit the case for local government reorganisation in Nottinghamshire. Given that it is anticipated the White Paper will link devolution to local government restructuring, it is reasonable to take the course of action recommended in this report. In addition, it is reasonable to take all appropriate action to ensure that local government in Nottinghamshire is as efficient, resilient and financially sustainable as possible, in the light of the significantly challenging financial and socio-economic climate generated by the current COVID-19 pandemic.

### **Reason/s for Recommendation/s**

24. To enable the County Council to seek the opportunity to come forward with proposals for local government reorganisation, to ensure that the system of local government in the County is as efficient, effective and financially sustainable as possible, and to maximise future government investment.

### **Statutory and Policy Implications**

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

### **Financial Implications**

26. These are set out in paragraph 22 above.

## **RECOMMENDATION/S**

It is recommended that Policy Committee:

- 1) Gives approval for the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government (as per the draft at Appendix A) requesting an invitation for the County Council to come forward with proposals for unitary local government for the County Council's administrative area.
- 2) Instructs the Chief Executive to develop draft proposals for unitary local government for the County Council's administrative area (in anticipation of the invitation from the Secretary of State) to be considered at a future meeting of County Council.
- 3) Approves funding of £100,000 for the Chief Executive to commission an independent accountancy firm to validate financial information in the proposals for unitary local government and an independent research company to conduct appropriate public and stakeholder engagement.

## **COUNCILLOR MRS KAY CUTTS, MBE Leader of the Council**

**For any enquiries about this report please contact:**

**Derek Highton  
Service Director, Place and Communities  
0115 9773498**

### **Constitutional Comments (HD 2/9/2020)**

27. Policy Committee is the appropriate body to determine the recommendations set out within the report.

### **Financial Comments (NS 8/9/2020)**

28. The report indicates a request for budget from contingency will be made to Finance & Major Contracts Management Committee of up to £100,000 for early work on establishing the business case and employing an independent social research company to undertake listening and engagement work with the public and stakeholders.

**HR Comments (GME 03/09/2020)** The report is seeking approval to explore the options available to the Council and therefore as yet, there are no direct staffing implications arising from this decision. Subject to approval, the necessary consultation and engagement with the recognised trades unions and the wider workforce will be initiated in accordance with the agreed policies and procedures of the Council.

## **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.

- PricewaterhouseCoopers: Evaluating the impact of scale in proposals for local government reorganisation, August 2020

**Electoral Division(s) and Member(s) Affected**

- All

Please ask for:  
**Cllr Kay Cutts, MBE**



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Rt Hon Robert Jenrick MP  
Ministry of Housing Communities  
and Local Government  
2 Marsham Street  
LONDON  
SW1P 4DF

Dear Secretary of State

### **Devolution and Unitary Local Government for Nottinghamshire**

I write to request that you issue an invitation to Nottinghamshire County Council to submit proposals for the establishment of unitary local government within the County Council's administrative area.

It is anticipated that the imminent Devolution and Local Recovery White Paper will offer major opportunities for further strategic economic investment in Nottinghamshire, and much greater local leadership in key areas of public service delivery. It is clear, also, that the East Midlands would benefit greatly from devolution of powers and resources, and I am keen to work with my fellow County and City Leaders, to bring devolution to our region, in the context of the Midlands Engine.

I understand the White Paper will make unitary local government a pre-requisite of meaningful devolution. Given these factors, I believe the time is right to examine the structure of local government in Nottinghamshire, particularly given our immediate requirement to focus on our recovery from the current pandemic, and to provide high quality, affordability services to local people.

I believe that unitary local government for Nottinghamshire will offer better, simpler, and more cost-effective services to residents, and will be better placed to represent the wider interests of all those who live in our great County. We stand on the cusp of a unique opportunity to make things better.

In addition, there is compelling, independent evidence, that unitary local government saves money. COVID-19 has placed huge financial burdens on councils across the country. The ongoing impact of the pandemic on local government finances and our economy means that we should examine how local government in Nottinghamshire can be structured to best meet the challenges of recovery, resilience and sustainability that lie ahead.

On receipt of your invitation, this Council would bring forward compelling proposals for a new style of local government in Nottinghamshire. At the same time, I pledge to work with my fellow Leaders on an ambitious plan for devolution in the East Midlands.

Yours sincerely

Cllr Kay Cutts MBE  
Leader of the Council  
Nottinghamshire County Council



**REPORT OF THE LEADER OF THE COUNTY COUNCIL****DELIVERY OF TREES FOR CLIMATE PROGRAMME IN NOTTINGHAMSHIRE****Purpose of the Report**

1. To seek approval for Greenwood Community Forest to lead on the delivery of the Trees for Climate Programme in Nottinghamshire, working across the whole of the County.
2. To seek approval for the County Council, as the host organisation for Greenwood Community Forest, to act as the accountable body for the Trees for Climate programme in Nottinghamshire. This would include agreeing the terms of the Grant Funding Agreements between Cheshire West and Chester Council (the accountable body for the overall scheme) and Nottinghamshire County Council; and, recruiting any staff and consultants required for the delivery of the programme.
3. To seek in principle support for the County Council to purchase land for tree planting schemes.

**Information**

4. Greenwood Community Forest was established in the early 1990s with the aim of enabling communities across 161km<sup>2</sup> of west Nottinghamshire to create, care for and to use woodlands and other high quality accessible green spaces in a sustainable way to benefit the environment, landscape and the local economy. It is one of 10 Community Forests which together form England's Community Forests (ECF) network. Greenwood is hosted by Nottinghamshire County Council and the staff sit within the Conservation Team in the Place Department.
5. On 11 March 2020, the government announced the creation of a £640m "Nature for Climate" Programme. This funding is to support nature-based solutions such as woodland creation and peatland restoration, as part of an array of actions needed to reach the UK government target of net zero carbon by 2050. By creating new woodlands, a wide range of additional benefits can be achieved, including health and well-being and air quality benefits, an increase in biodiversity and the improvement of ecological networks to improve resilience of our biodiversity.
6. As part of the Nature for Climate programme, the ECF network, led by The Mersey Forest with the assistance of the Community Forest Trust, has been tasked by DEFRA with putting together a 6,000+ hectare programme of new woodland creation to be delivered over the period 2020 to 2025.
7. The 'Trees for Climate' programme would result in significant investment in woodland planting and see the network of 10 Community Forests working with local partners and landowners. As part of the indicative pipeline of projects for the programme, Greenwood has indicated that

it would be able to facilitate the establishment of at least 250ha of new woodland across Nottinghamshire, with both direct delivery of schemes and working through partner organisations.

8. At the same time, the County Council has been developing its Environmental Policy and Environment Strategy. The Policy and key strategic ambitions contained within the Strategy were approved by Policy Committee at its meeting on 18<sup>th</sup> March 2020. The Trees for Climate programme could help to deliver three of these strategic ambitions, namely:
  - Planting 250,000 trees in the next 7 years through woodland regeneration and woodland planting on Council land.
  - Achieving net gains in biodiversity on Council land and highway verges, supporting the delivery of Nottinghamshire's Local Biodiversity Action Plan.
  - Working with local communities to develop the proposed new 'national forest' in Sherwood, part of the Government's 25-year Environment Plan.
9. The Trees for Climate programme was approved by the DEFRA Tree Board on 29<sup>th</sup> June 2020 and a Letter of Intent issued for the year 1 revenue expenditure. The formal revenue and capital approvals were considered by DEFRA's Investment Committee on the 29<sup>th</sup> July 2020. The Letter of Intent for year 1 capital expenditure is expected in September 2020. It is anticipated that some planting will begin in the autumn 2020 planting season, and subject to approval by Policy Committee and the Grant Funding Agreements for both revenue and capital funding being in place, Greenwood's involvement in the programme would start.
10. DEFRA's preferred mechanism for distributing the funding is through a Section 31 (Local Government Act, 2003) grant, which limits the recipient of this grant to public bodies. As the host organisation for The Mersey Forest team, which has led the discussions with DEFRA to date, Cheshire West and Chester Council (CWAC) has agreed to be the grant recipient and accountable body for the overall Trees for Climate programme. The Grant Funding Agreements from DEFRA will, therefore, be with CWAC in its role as the accountable body for delivery of the Trees for Climate programme. CWAC will manage the grant process and cascade funding for delivery to the individual Community Forests, including Greenwood.
11. It is intended that CWAC will mirror the conditions that DEFRA set out in any Section 31 grant agreement in back to back agreements with each of the Community Forest Trusts or Local Authorities hosting Community Forests. Payments will only be made when CWAC has drawn down funds from DEFRA. These conditions will, in turn, be reflected in any agreements between Greenwood Community Forest (through the County Council) and local delivery partners.
12. In order to facilitate delivery of the programme in Nottinghamshire, it is proposed that the geographic area within which the Greenwood Community Forest can operate is extended to include the whole of Nottinghamshire (including the City), whilst retaining the current the Greenwood Community Forest boundary as the main area of focus and delivery.
13. Approval is sought for the establishment of 2.7 FTE fixed term posts created within the Natural Environment unit of the Conservation Team, namely:
  - Trees for Climate Project Manager – 1 FTE
  - Woodland Creation Officer – 1 FTE
  - Woodland Creation Assistant – 0.5 FTE
  - Admin and Finance Officer – 0.2 FTE

14. Job descriptions for these newly established roles will be formally evaluated under the Council's relevant job evaluation process and appointed to using the agreed recruitment and selection procedure. The evaluated posts would be fully funded through the grant.
15. Land availability for planting represents a constraint to what can be achieved. Around 40 – 50ha of land could be available for new woodland planting on the Council's Green Spaces sites. The sites would be selected to avoid damage to areas with existing biodiversity or heritage value and to facilitate public access where possible. More land could potentially be made available from the Council's wider rural land holding. This could include some lower grade land being removed from agricultural production but would need to be balanced against any loss of associated income to the Council or impact on farm businesses.
16. Some land could be purchased solely for the purpose of woodland planting. As part of the 'Trees for Climate' programme, it has been proposed that £13million would be made available for land purchase for woodland creation over the 5-year programme. The funding would be shared across the 10 community forests involved and would not have any match funding requirements. £3million of this would be available in year one of the project (the current financial year), with £2.5million per year subsequently. In principle support is sought for the County Council to purchase land for tree planting schemes. This land would then form part of the Green Spaces portfolio and be managed alongside other County Council Green Spaces sites.
17. In addition, opportunities will be sought for tree planting on land owned by partners, including other public sector bodies, charities and private landowners. These schemes will need development and are not likely to be delivered until the later stages of the Trees for Climate programme.
18. Greenwood Community Forest, with support from the County Council's Communications service, will be responsible for the local co-ordination of communications and publicity for Trees for Climate with the Partners, in accordance with any agreed ECF Communications Strategy and the requirements of DEFRA. Some publicity will also be co-ordinated nationally to avoid duplication and ensure consistency of message.
19. The funding also makes provision for the recruitment of any consultants required to deliver specialist works. Procurement for consultants will be carried out in line with NCC financial regulations.

### **Other Options Considered**

20. The County Council could choose not to support the delivery of the programme through Greenwood Community Forest. As an ECF-led programme, however, this would mean that the opportunity for significant tree planting in Nottinghamshire would be lost.

### **Reasons for Recommendations**

21. To enable Greenwood Community Forest to deliver the Trees for Climate programme in Nottinghamshire, in accordance with the approved purposes of the grant and the requirements of DEFRA.
22. To enable the County Council, as lead partner and Accountable Body for Greenwood Community Forest, to recruit the staff and consultants required to deliver the Trees for Climate programme in Nottinghamshire.

23. To enable the County Council, in principle, to purchase land for the purpose of tree planting (subject to the County Council's capital approval processes where applicable).

## **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.

## **Data Protection and Information Governance**

25. The Funding Agreement will make provision for the County Council to enter into Data Sharing Agreements with all the Parties to the Funding Agreement for any Personal Data as defined in the Data Protection legislation.

## **Financial Implications**

26. The County Council, as the host organisation for Greenwood Community Forest, would be the Accountable Body for the programme in Nottinghamshire. Payment of Grant by DEFRA will be made through Cheshire West and Chester Council, as the accountable body for the Trees for Climate programme.
27. Total costs for the 2.7 FTE new posts over the 4.5 years of the programme, including on-costs and salary increments, are estimated at £460,000 and are fully funded by the grant.
28. Costs for consultancy and technical support are anticipated to be £101,000 over the 4.5 years.
29. All of the above staff costs and consultancy/ technical support costs will be met by the Section 31 grant. No costs will be incurred until both the revenue and capital Grant funding Agreements are in place and, as stated in paragraph 23 of this report, and where applicable any capital spend will be subject to capital approval processes. This is due to the fact that under the scheme, the County Council will be paying partners/land owners for delivery from the capital grant.
30. The capital grant will provide funding for the tree planting, including purchase of trees, planting and a period of maintenance to ensure good survival rates. Land purchase will be subject to the availability of 100% grant funding for this purpose and to confirmation by the Council's Capital Asset Management Group.
31. There is no requirement for match funding. The County Council will, however, need to provide "in kind" support in the form of staff time to manage the Project Manager, have financial oversight of the budget and support the communications and property/ legal requirements where necessary.
32. Where delivery is carried out by partner organisations, they will be reimbursed for any staff time and capital spend following receipt of the relevant grant money by the County Council.

## **Human Resources Implications**

33. All new staff will be employed by the County Council on fixed term contracts as set out in paragraphs 13 and 14 of this report and in line with the relevant policies and procedures. Day to day line management of the Trees for Climate staff will be through existing structures in the Conservation Team. Staff will be recruited for Year 1 of the programme in the first instance, with the option to extend contracts subject to confirmation of further years' funding by DEFRA.

## **Implications for Sustainability and the Environment**

34. The Council's emerging Environment Strategy has targets for the planting of 250,000 trees (equivalent to around 125ha of new woodland); achieving net gains in biodiversity on Council land; and, developing the new "national forest" in Sherwood. The Trees for Climate programme provides a vehicle for delivering these. The programme will also help to deliver one of the actions needed to reach the UK government target of net zero carbon by 2050, along with a wide range of additional benefits, including health and well-being and air quality benefits, an increase in biodiversity and the improvement of ecological networks to improve resilience of our biodiversity.

## **RECOMMENDATIONS**

- 1) That Committee gives approval for Greenwood Community Forest to lead on the delivery of, and for the County Council to act as the accountable body for, the Trees for Climate Programme in Nottinghamshire.
- 2) That Committee grants delegated authority for the Service Director Growth and Investment to agree the terms of the Grant Funding Agreements with Cheshire West and Chester Council, after taking relevant legal and financial advice.
- 3) That Committee gives approval for Greenwood Community Forest to work across the whole of Nottinghamshire, as set out in paragraph 12.
- 4) That Committee approves the establishment of, and recruitment to, 2.7 FTE fixed term posts within the Conservation Team and the recruitment of any consultants required for the delivery of the Trees for Climate programme in Nottinghamshire, as set out in paragraphs 13, 14 and 19 of this report.
- 5) That support is given in principle to the purchase of land for tree planting schemes and for the Capital Programme to be amended accordingly with any expenditure funded by external grant.

**Councillor Mrs Kay Cutts MBE**  
**Leader of the County Council**

**For any enquiries about this report please contact:** Heather Stokes, Team Manager  
Conservation

## **Constitutional Comments (EP 03/08/2020)**

35. The recommendations fall within the remit of Policy Committee by virtue of its terms of reference.

## **Financial Comments (RWK 13/08/2020)**

36. The report outlines arrangements for the delivery of Trees for Climate programme in Nottinghamshire over the next 4.5 years. The programme will require the County Council to incur additional revenue expenditure on staffing, consultancy/technical support and reimbursements to partner organisations. The Council will also incur additional capital expenditure on purchasing land, purchasing trees, tree planting and a period of maintenance. There is no requirement for the County Council to provide match funding and all costs incurred will be funded from additional external grant. As the County Council will be incurring capital expenditure the Council's capital programme will require amending accordingly.

## **HR Comments (JP 17/08/2020)**

37. The HR implications are contained in the body of the report. Grades for the proposed posts referred to in the report will be established through the Authority's Job Evaluation process. The Authority's Recruitment and redeployment policies will apply.

## **Background Papers and Published Documents**

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

- None

## **Electoral Divisions and Members Affected**

- All

## **REPORT OF THE LEADER OF THE COUNCIL**

### **STATEMENT OF COMMUNITY INVOLVEMENT COVID-19 ADDENDUM**

#### **Purpose of the Report**

1. To seek ratification of an Addendum to the Council's adopted Statement of Community Involvement (SCI) which reflects the changes to working practices necessitated by the current Covid 19 restrictions. This is to allow members of the public and other stakeholders to continue to engage effectively in the planning process and to ensure the continuation of robust decision making.

#### **Information**

##### Statement of Community Involvement Addendum 2020

2. Section 18 of the Planning and Compulsory Purchase Act 2004 requires all local planning authorities to prepare a Statement of Community Involvement. The latest version of Nottinghamshire County Council's Statement of Community Involvement (SCI) was adopted in 2018 and sets out the Council's policy for allowing local residents and businesses to engage effectively in the planning process i.e. in the preparation of planning policies and proposals for Nottinghamshire and in consultation on individual planning applications. The SCI sets out the Council's consultation policy over and above the minimum statutory publicity and consultation requirements set out in statutory Orders made by the Secretary of State in exercising powers conferred by the Town & Country Planning Act 1990.
3. However, as a result of restrictions in place due to the Coronavirus pandemic, it has not been possible to undertake some of the approaches to public engagement set out in the adopted SCI. For example, it is not possible to hold physical meetings or deposit documents for public view due to restricted access to Council offices and other public buildings such as libraries and village halls. As a result, officers quickly recognised that some temporary changes were urgently required to enable the requirements of the SCI to be achieved in a way which was COVID secure. Initial changes were captured in amendments to standard communications with interested parties and the measures were then iterated over time as the COVID restrictions evolved. The objective all along was for the changes to continue to enable equivalent outcomes for public engagement activity within a COVID secure framework.
4. The Government has recognised the impact of these restrictions on the planning process and has published updated Planning Practice Guidance, the relevant extract of which is set out here <https://www.gov.uk/guidance/plan-making#covid19>. It advises that local planning authorities should review and update their SCI immediately and encourages the use of online engagement methods such as virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website. For those sections

of communities which do not have access to the internet, alternative means of engagement need to be considered such as consulting in writing. However, the guidance also confirms that any review and update of SCIs does not in itself require any consultation with communities, although it is considered good practice to keep the public informed of the process and any changes made.

5. The Government has also enacted legislation such as the Business and Planning Act 2020 and Regulations to allow the continued function of the planning system during this time.
6. To reflect these changes to planning legislation and guidance, officers have reviewed the SCI and prepared an addendum to the SCI. These changes have been operational as necessary during the COVID emergency and it is intended that they are temporary in nature, applying for as long as the COVID-19 restrictions remain in force.
7. The addendum is split into two parts. The first part sets out alternative methods of public communication and participation options for planning applications and the Minerals and Waste Local Plan processes. The second part details changes to paragraph 5.23 of the SCI which details arrangements for public speaking at the Council's Planning and Licensing Committee which have had to be amended in light of the pandemic.
8. The changes are intended to be temporary whilst restrictions relating to COVID-19 are in effect, and will remain in place until 7 May 2021 or such longer period as may be set out in Government guidance or legislation. Once the restrictions are removed, the Addendum would no longer be effective and the SCI would revert to the adopted 2018 document. The date of 7 May 2021 is consistent with the end date for other legislative changes brought in to ensure the adaptation and continued operation of the planning system during the current restrictions. However, given the possibility that the nature or scope of the Covid-19 restrictions may be altered in some way to reflect other regulatory or legislative requirements arising out of the current emergency, it is also proposed that the Corporate Director for Place be given the delegated authority to approve additions to or amendment of any part of the Addendum as may be necessary for those purposes.
9. Subject to Members' ratification of the above, the SCI webpages would be updated to inform the public of the changes and the timeframe for which they will apply. There is no statutory requirement for wider consultation to take place, however, the amendments would be publicised in accordance with best practice.

#### Proposed Changes to the SCI

10. The key changes to the SCI proposed as part of the Addendum are as follows:

<b>Adopted SCI Requirements</b>	<b>Alternative Arrangements</b>
Parish Council, Stakeholder Neighbourhood Forum, Public Exhibitions/Workshops and Meetings	All face to face meetings will be suspended on a temporary basis and will be held by telephone or virtual meetings (such as Microsoft Teams).
Documents at Local Venues/ Leaflets/Posters Loaning Documents and Plans	Materials will be made available on the Council's website with online signposts to the location of documents. Materials can be made available electronically or mailed out in accordance with the Central

	Mailroom process, where practicable. Sending/Receiving Mail - The Central Mailroom are scanning and providing digital copies of mail to internal departments and external parties. Electronic correspondence should be encouraged where possible.
How to comment on Local Plan Consultations?	Online methods of consultation. A summary of the discussion/meeting. All attendees will be encouraged to submit comments online via the Council's website.
Members of the public who experience difficulties in making written representations, e.g. for reasons of language or visual impairment	Where a member of the public experiences difficulties in making written representations online, e.g. for reasons of language or visual impairment, or they do not have access to the internet, then an individual may nominate an advocate to share views on their behalf. Where existing communication methods are not feasible and alternatives cannot be identified, an individual may also be able to make representations by telephone. This must be arranged and agreed in advance with the Council.
Near-neighbour notification	Where considered appropriate, usually for major/complex applications, the authority will consider extending the extent of near neighbour notification letters and the statutory consultation period. This will be decided on a case by case basis. This would give neighbours and statutory/non statutory consultees a longer timeframe to respond and would ensure that those potentially affected by a proposed development would be notified by letter rather than relying on site notices which might not be seen by as many people due to current restrictions
Sites Visits	Site visits can be held when necessary, but these would need to adhere to pre-agreed arrangements to ensure the safety of all involved, including relevant social distancing measures. Details of any site visits, including outcomes and action points, could be relayed to anyone unable to attend in person.

11. Alterations to the SCI following the proposed changes above are detailed in the Addendum to the SCI attached at Appendix A.

## **Other Options Considered**

12. As outlined above, Government guidance and legislation has been enacted to allow local planning authorities to continue to promote effective community engagement by means which are reasonably practicable. Local planning authorities are strongly encouraged to use online engagement methods to their full potential. It has therefore been necessary to amend the SCI on a temporary basis to adhere to these provisions. Failing to update the SCI to reflect the restrictions imposed by Covid- 19, would mean that the Council is not complying with the current provisions of the adopted SCI or Government guidance and legislation.

## **Reason/s for Recommendation/s**

13. To ensure the SCI is formally updated to ensure compliance with current planning legislation and guidance and to facilitate effective participation in the planning process and robust decision making whilst Covid-19 restrictions are in force.

## **Statutory and Policy Implications**

14. 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**

15. None.

## **Implications for Service Users**

16. The temporary changes in the SCI Addendum will allow members of the public and other stakeholders to continue to engage effectively in the planning process and will ensure the continuation of robust decision making.

## **RECOMMENDATION/S**

- 1) That the Addendum to the Statement of Community Involvement 2018 be ratified as Council policy until the 7 May 2021 or such longer period as may be prescribed by relevant Government guidance or legislation imposing restrictions due to the Covid-19 pandemic; and
- 2) That once Covid-19 restrictions have been lifted, the Addendum shall cease to have effect and publicity and consultation on planning matters shall be thereafter carried out in accordance with the original Statement of Community Involvement adopted in 2018; and
- 3) That the Corporate Director, Place be authorised to approve additions to or amendment of any part of the Addendum to the SCI as may be necessary to give effect to any changed legislation, regulation or guidance relating to the Covid-19 emergency.

**COUNCILLOR MRS KAY CUTTS, MBE**  
**Leader of the Council**

**For any enquiries about this report please contact:** Nina Wilson, Principal Planning Officer,  
Place - 0115 977 3793

### **Constitutional Comments (RHC 29/7/2020)**

17. Policy Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments (SES 29/07/2020)**

18. 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.

- NCC Statement of Community Involvement 2018

### **Electoral Division(s) and Member(s) Affected**

All.

## Appendix A – SCI Addendum

### Appendix 1 - Statement of Community Involvement (SCI) Temporary Addendum

Due to the current and ongoing government guidance to help combat the spread of coronavirus (COVID-19), it may not be possible for Nottinghamshire County Council, in their role as Local Planning Authority to meet some of the policies and consultation requirements set out in the adopted Statement of Community Involvement (2018).

In view of this, the Council has produced a temporary addendum to the SCI which sets out alternative communication and participation methods the local planning authority may use.

In the first instance, the Council will seek to meet the requirements of the adopted Statement of Community Involvement (2018) where reasonably practicable and will continue to review this addendum as legislation and government guidance is updated. This will enable the Council to continue to promote effective community engagement on planning applications and allow plan-making to progress.

**Table 1 – Community Involvement Options for the Preparation of Local Plans**

<b>Adopted SCI Requirements</b>	<b>Objectives and Benefits</b>	<b>Potential Restrictions</b>	<b>Alternative Arrangements</b>
County Council Publications, Press Release/Adverts, Electronic Communication, County Council Website	<ul style="list-style-type: none"><li>Allows information to be widely distributed.</li></ul>	<ul style="list-style-type: none"><li>Local newspapers could move to online publication only</li></ul>	<ul style="list-style-type: none"><li>Status of print media shall be monitored and alternative arrangements considered should any move to online only publication</li></ul>
Parish Council, Stakeholder Neighbourhood Forum, Public Exhibitions/Workshops and Meetings	<ul style="list-style-type: none"><li>Brings together representatives covering a broad cross-section of views.</li><li>Establishes common ground at an early</li></ul>	<ul style="list-style-type: none"><li>Holding an exhibition, meeting or conducting a presentation might not be appropriate as people may be required to stay at</li></ul>	<ul style="list-style-type: none"><li>Online meetings, presentations. Socially distanced meetings/presentations where all parties are in full agreement and in-line with government guidance on Covid-19 social distancing restrictions, if alternative arrangements cannot be</li></ul>

	<p>stage prior to plans and policies being drawn up.</p> <ul style="list-style-type: none"> <li>• Allows issues to be discussed in great depth.</li> <li>• Creates better evidence base.</li> </ul>	<p>home, venues may not be open to members of the public, or restrictions could be placed on meetings /gatherings including social distancing requirements.</p>	<p>reasonably and practicably accommodated.</p>
Documents at Local Venues/ Leaflets/Posters Loaning Documents and Plans	<ul style="list-style-type: none"> <li>• User-friendly way of informing the public and consultees of the keypoints/issues of complex documents and applications.</li> <li>• Makes information more easily available to local communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Businesses and venues including libraries, community centres, and customer service centres may be closed to the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Materials will be made available on the council's website with online signposts to the location of documents. Materials can be made available electronically or mailed out in accordance with our Central Mailroom process, where practicable.</li> </ul>
Sending/Receiving Mail	<ul style="list-style-type: none"> <li>• Makes information more easily available to local communities.</li> </ul>	<ul style="list-style-type: none"> <li>• The council's ability to send letters, and the ability of residents to receive letters may be limited.</li> </ul>	<ul style="list-style-type: none"> <li>• The Central Mailroom are scanning and providing digital copies of mail to internal departments and external parties. Electronic correspondence should be encouraged where possible.</li> </ul>
How to comment on Local Plan Consultations?	<ul style="list-style-type: none"> <li>• Allows information to be widely distributed.</li> <li>• Makes detailed and up to date planning information widely available.</li> <li>• Meets e-government</li> </ul>	<ul style="list-style-type: none"> <li>• The council's ability to send letters, and the ability of residents to receive letters may be limited or there may be restrictions for</li> </ul>	<ul style="list-style-type: none"> <li>• Online methods of consultation. A summary of the discussion/meeting. All attendees will be encouraged to submit comments online via the council's website.</li> </ul>

	<p>targets.</p> <ul style="list-style-type: none"> <li>Provides an alternative way to make representations.</li> </ul>	<p>arranging face to face meetings such as exhibitions, presentations or workshops.</p>	
<p>Members of the public who experiences difficulties in making written representations, e.g. for reasons of language or visual impairment.</p>	<ul style="list-style-type: none"> <li>Makes information more easily available to individuals</li> <li>Makes information available to those with mobility problems which would otherwise be inaccessible.</li> </ul>	<ul style="list-style-type: none"> <li>Limited opportunities for face to face verbal communication or receiving written communication (e.g. letters).</li> </ul>	<ul style="list-style-type: none"> <li>Where a member of the public experiences difficulties in making written representations online, e.g. for reasons of language or visual impairment, or they do not have access to the internet, then an individual may nominate an advocate to share views on their behalf. Where existing communication methods are not feasible and alternatives cannot be identified, an individual may also be able to make representations by telephone. This must be arranged and agreed with the council.</li> </ul>

**Table 2 – Community Involvement Options for the Determination of Planning Applications**

<b>Adopted SCI Requirements</b>	<b>Objectives and Benefits</b>	<b>Potential Restrictions</b>	<b>Alternative Arrangements</b>
<b>Near-neighbour notification</b>	<ul style="list-style-type: none"> <li>Ensures residents and businesses near a proposal are informed.</li> </ul>	<ul style="list-style-type: none"> <li>None, normal arrangements continue.</li> <li>Some newspapers may transfer to online versions only.</li> </ul>	<ul style="list-style-type: none"> <li>No change to existing statutory measures. Neighbour notification letters and notices have been amended to advise that access to public buildings is restricted during COVID19 and are only available by prior appointment.</li> <li>Where considered appropriate, usually for major/complex applications, the authority will consider extending the</li> </ul>

			statutory consultation period and the extent to which near-neighbour notification is carried out. This will be decided on a case by case basis. This will give neighbours and statutory/non statutory consultees a longer timeframe to respond.
<b>Stakeholder meetings</b>	<ul style="list-style-type: none"> <li>• Brings together representatives covering a broad cross-section of views.</li> <li>• Establishes common ground at an early stage prior to plans and policies being drawn up.</li> <li>• Allows issues to be discussed in great depth.</li> <li>• Creates better evidence base.</li> </ul>	<ul style="list-style-type: none"> <li>• Holding a meeting or conducting a presentation might not be appropriate as people may be required to stay at home, venues may not be open to members of the public, or restrictions could be placed on meetings /gatherings including social distancing requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• All face to face meetings will be suspended on a temporary basis and will be held by telephone or virtual meetings (such as Microsoft Teams).</li> </ul>
<b>Pre- application discussions</b>	<ul style="list-style-type: none"> <li>• Identifies important issues at an early stage in the process.</li> <li>• Provides an opportunity for the local community to influence a proposal before it is finalised.</li> <li>• Can discourage planning applications being submitted which</li> </ul>	<ul style="list-style-type: none"> <li>• Limited opportunities for face to face verbal communication.</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-application discussions will continue, although all meetings between the Council and applicants will be held by telephone or by virtual meetings (such as Microsoft Teams)</li> <li>• Site visits can be held when necessary, but these would need to adhere to pre-agreed arrangements to ensure the safety of all involved, including relevant social distancing measures.</li> </ul>

	are likely to be refused.		
<b>Placing planning documents at local venues</b>	<ul style="list-style-type: none"> <li>Makes information more easily available to local communities.</li> </ul>	<ul style="list-style-type: none"> <li>Businesses and venues including libraries, community centres, and customer service centres may be closed to the public.</li> </ul>	<ul style="list-style-type: none"> <li>The public will be directed to our website for information. The Council will liaise with local communities/parish councils to bring information to their attention, for example Parish Council websites could provide a link to our website.</li> </ul>
<b>Loan plans and documents</b>	<ul style="list-style-type: none"> <li>Makes information available to those with mobility problems which would otherwise be inaccessible.</li> </ul>	<ul style="list-style-type: none"> <li>For safety reasons, documents are likely to be posted and therefore may lead to delays in information being received.</li> </ul>	<ul style="list-style-type: none"> <li>This measure will continue if specific requests are made.</li> </ul>
<b>Public meetings</b>	<ul style="list-style-type: none"> <li>Engages local communities on local issues.</li> <li>Can highlight main issues at an early stage e.g. pre-application.</li> <li>Response sheets could provide valuable feedback.</li> </ul>	<ul style="list-style-type: none"> <li>Holding a public meeting or conducting a presentation might not be appropriate as people may be required to stay at home, venues may not be open to members of the public, or restrictions could be placed on meetings /gatherings including social distancing requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Face to face meetings will be suspended on a temporary basis. Any meetings between the Council and local communities, including Planning and Licensing Committee, will be held by telephone or by virtual meetings (such as Microsoft Teams).</li> </ul>
<b>Public exhibitions</b>	<ul style="list-style-type: none"> <li>Makes detailed information available to local communities.</li> </ul>	<ul style="list-style-type: none"> <li>Holding public exhibitions might not be appropriate as</li> </ul>	<ul style="list-style-type: none"> <li>The holding of public exhibitions will be suspended until it is safe to do so. The Council will liaise with local communities</li> </ul>

	<ul style="list-style-type: none"> <li>• Raises the profile of significant local planning issues.</li> <li>• Response sheets could provide valuable feedback.</li> <li>• Provides opportunities for detailed conversations.</li> </ul>	<p>people may be required to stay at home, venues may not be open to members of the public, or restrictions could be placed on meetings /gatherings including social distancing requirements.</p>	<p>to try and identify other methods of engagement at a time when holding public exhibitions is not possible.</p>
<b>Leaflets and posters</b>	<ul style="list-style-type: none"> <li>• User-friendly way of informing the public and consultees of the keypoints/issues of complex documents and applications.</li> </ul>	<ul style="list-style-type: none"> <li>• If information is only shared online, it may not be available to those without access to a computer.</li> </ul>	<ul style="list-style-type: none"> <li>• No change, although most publications will be online versions.</li> </ul>
<b>County Council website</b>	<ul style="list-style-type: none"> <li>• Makes detailed and up to date planning information widely available.</li> <li>• Meets e-government targets.</li> <li>• Provides an alternative way to make representations.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• No change, all planning applications can be viewed and commented upon on the County Council website.</li> </ul>
<b>Parish/town council websites</b>	<ul style="list-style-type: none"> <li>• Key planning information can be placed on the parish/town council's (also parish meeting's or neighbourhood forum's) own website.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• No change.</li> </ul>

	<ul style="list-style-type: none"> <li>Increases local ownership of planning issues.</li> <li>Improves working relationship between County Council and parish/town councils.</li> </ul>		
Press releases	<ul style="list-style-type: none"> <li>Provides information to local radio and other media</li> <li>Increases awareness and interest in planning matters</li> <li>Reaches a wider audience including potentially 'hard to reach' groups at a low cost</li> <li>Provides more user-friendly format than statutory press notices</li> </ul>	<ul style="list-style-type: none"> <li>Local newspapers could move to online publication only</li> </ul>	<ul style="list-style-type: none"> <li>Status of print media shall be monitored and alternative arrangements considered should any move to online only publication</li> </ul>
Press advert	<ul style="list-style-type: none"> <li>Promotes planning issues using local media</li> <li>Increases awareness and interest in planning matters</li> <li>Reaches a wider audience including potentially 'hard to reach' groups</li> </ul>	<ul style="list-style-type: none"> <li>Local newspapers could move to online publication only</li> </ul>	<ul style="list-style-type: none"> <li>Status of print media shall be monitored and alternative arrangements considered should any move to online only publication</li> </ul>

	<ul style="list-style-type: none"> <li>• Provides more user-friendly format than statutory press notices</li> <li>• Guaranteed coverage, not subject to editorial decisions</li> </ul>		
<b>County Council's own publications, such as County Life</b>	<ul style="list-style-type: none"> <li>• Increases awareness and interest in planning matters</li> <li>• User friendly format</li> <li>• Guaranteed coverage, not subject to editorial decisions</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• No change (although County Life is no longer published)</li> </ul>
<b>Professional publications, such as Minerals Planning</b>	<ul style="list-style-type: none"> <li>• Informs professional organisations of planning matters in the county at a low cost</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• No change, most publications now published as online versions</li> </ul>
<b>Site liaison meetings</b>	<ul style="list-style-type: none"> <li>• Brings together site operators, Council officers and the local community once a minerals or waste site is operational</li> <li>• Keeps local communities informed of site</li> </ul>	<ul style="list-style-type: none"> <li>• Local communities could lose touch with developments in their area</li> </ul>	<ul style="list-style-type: none"> <li>• No face to face meeting, meetings will be held virtually where possible</li> </ul>

	<ul style="list-style-type: none"> <li>operations</li> <li>Allows local concerns to be voiced and discussed in an open forum</li> </ul>		
<b>Planning Aid</b>	<ul style="list-style-type: none"> <li>Provides impartial planning advice to those who cannot afford it</li> <li>Help communities understand the planning process</li> <li>Allows local communities to play a more proactive role in planning</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>No change – Planning Aid provides various means of support from an online advice service to bespoke support.</li> </ul>

## **Temporary changes to Paragraph 5.23 relating to public speaking at Planning and Licensing Committee**

### **Public speaking at Committee**

Meetings of the County Council's Planning and Licensing Committee are normally held every six weeks at County Hall on Loughborough Road, West Bridgford, Nottingham. During the coronavirus pandemic, committee meetings are being held virtually. Where planning applications are reported to Planning and Licensing Committee for a decision, anyone who has submitted written views on an application within the appropriate timescale and has indicated a wish to speak at committee is given an opportunity to register to speak. The places to speak at committee are allocated on a first come first served basis. During the coronavirus pandemic, when a Planning and Licensing Committee meeting is taking place virtually, those persons who are confirmed as speakers will be invited to join the meeting via the Microsoft Teams app. If you have the Microsoft app on your device, you will be able to join via video, otherwise you can join solely by telephone (audio only). You will be contacted by an officer in advance of the meeting to check your device's capability and to clarify the arrangements for the meeting. Before the meeting takes place, all speakers will be asked to email a copy of their written summary or transcript to assist in the production of the committee minutes. As is the case under normal committee proceedings, each speaker will have a maximum of three minutes in which to present their speech. Further details about who can speak and for how long are set out in the County Council's 'Guidance Note on Public Speaking at Committee' which can be viewed on the County Council's website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)





## **REPORT OF THE LEADER OF THE COUNTY COUNCIL**

### **ENFORCEMENT POLICY FOR THE TRADING STANDARDS REGIONAL INVESTIGATION TEAM**

#### **Purpose of the Report**

1. To approve the Enforcement Policy for the National Trading Standards (NTS) Regional Investigation Team, East Midlands (EMRIT), which is hosted by the Council.

#### **Information**

2. EMRIT is one of eight Regional Investigation Teams covering England and Wales and hosted by NTS. The teams were setup to tackle large scale, cross border criminal offending within the remit of Trading Standards.
3. The role of the EMRIT is to tackle significant and complex cases of fraud which are perpetrated on a regional and national basis. The EMRIT works on behalf of all the Trading Standards Authorities within the East Midlands (TSEM).
4. Members will recall that the EMRIT has been successfully hosted by the Council since 2008 and is fully funded by the National Trading Standards Board
5. The Authority institutes legal proceedings in respect of criminal offending which occurs in other local authorities, outside the boundaries of Nottinghamshire
6. Until now the role of the EMRIT has successfully operated under the County Council's Enforcement Policy for the Trading Standards and Communities Service. However, it has recently come to light that the EMRIT would benefit from a separate Enforcement Policy to cover its unique role within the Council.
7. There have though been at least two legal challenges in Court in other regions, with regards to the legality of host local authorities' ability to initiate legal proceedings for offending outside the boundaries of its local authority boundaries.
8. These challenges were unsuccessful; however, the judges' comments and subsequent legal opinion have highlighted the importance of having a separate Enforcement Policy for the teams in order to prevent any future challenges. NTS subsequently issued EMRIT with guidance related to content of an Enforcement Policy for its teams.
9. An Enforcement Policy for EMRIT (Appendix A) has been developed considering the guidance that has evolved since the recent case law. In preparing this policy, internal and external legal opinion has been sought which takes into consideration the guidance issued through NTS.

10. The Enforcement Policy sets out what those regulated can expect from the Authority and the Service when they are investigated by EMRIT.

### **Other Options Considered**

11. None

### **Reason/s for Recommendation/s**

12. The introduction of a standalone EMRIT Enforcement Policy will offer greater clarity on the role it plays within the regional and national enforcement landscape, and the legal basis for which the Authority carries out investigations and legal proceedings.

### **Statutory and Policy Implications**

13. 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**

14. There are no anticipated additional financial implications for the Council. All costs associated with compiling this policy are covered by the NTS funding arrangements. The additional legal protection that this Enforcement Policy will provide significantly reduces the risk of costly legal challenges concerning the legalities of the Council instigating legal proceedings for criminality outside the boundaries of Nottinghamshire.

### **Legal Implications**

15. The Council will gain additional legal protections by adopting the proposed policy.

### **Implications for Service Users**

16. It is not anticipated that service users will be affected by the proposal.

### **Human Rights Implications**

17. The provisions of the Equality Act 2010 and the European Convention on Human Rights are recognised throughout the Policy and work of the Service.

### **RECOMMENDATION/S**

1) That approval is given to the Enforcement Policy as set out in Appendix A

**Councillor Mrs Kay Cutts MBE**  
**Leader of the County Council**

**For any enquiries about this report please contact:** Derek Higton, Service Director, Place & Communities, Tel: 0115 9773498

**Constitutional Comments (KK 07/08/2020)**

18. The proposal in this report is within the remit of the Policy Committee.

**Financial Comments RWK (06/08/2020)**

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

**Background Papers and Published Documents**

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

- None

**Electoral Division(s) and Member(s) Affected**

- All



## **National Trading Standards Regional Investigation Team East Midlands**

### **ENFORCEMENT POLICY**

#### **Introduction**

This document is the enforcement policy for the National Trading Standards, East Midlands Regional Investigation Team (“EMRIT”) hosted by Nottinghamshire County Council on behalf of National Trading Standards (“NTS”).

The Government set up NTS in 2012 as part of changes to the consumer protection landscape. NTS delivers national and regional consumer protection enforcement. Its purpose is to protect consumers and safeguard legitimate businesses by tackling serious national and regional consumer protection issues.

There are eight NTS Regional Investigation Teams, including the East Midlands team. The National Trading Standards Regional Investigations Teams target criminals involved with doorstep crime, counterfeiting, consumer and business fraud and other related crime.

Investigations may be assigned to the regional investigation teams through regional and national tasking arrangements following the National Trading Standards Intelligence Operating Model.

The EMRIT works in partnership with local trading standards authorities, other regional investigation teams, and other enforcement agencies to maximise effectiveness. Investigations may be carried out wholly by members of NTS teams, some are carried out mainly by officers of local authority trading standards services (with financial or officer support from NTS teams), or a combination of both.

#### **Enforcement Policy**

Trading standards exists to promote and maintain a fair and safe trading environment, promote health and wellbeing throughout the community and protect the interests of

consumers and legitimate businesses. Trading standards authorities enforce a wide range of business and consumer protection legislation relating to quality, quantity, safety, description and price of goods and services. Trading standards authorities carry out their duties in various ways including inspection, sampling, test purchasing, testing, investigation and legal proceedings, but also by informing, advising and educating businesses and consumers.

The enforcement policy and principles of the Council's local Trading Standards Service can also be found on the website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

The EMRIT is charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using appropriate criminal and civil sanctions. The purpose of the EMRIT is not to provide advice, information or carry out inspections of regulated businesses, these activities are carried out at local authority level.

When deciding whether enforcement action is necessary and proportionate, the authority making the decision will have regard to the Code for Crown Prosecutors and the Regulators' Code together with other legislation including in particular the Legislation and Regulatory Reform Act 2006, The Regulatory Enforcement and Sanctions Act 2008 and The Consumer Rights Act 2015. It will consider all relevant circumstances including the offenders profile and any mitigation offered in its consideration of proportionality.

All investigation and enforcement activities will be undertaken with due regard to the provisions of the Police and Criminal Evidence Act 1984, The Criminal Procedure and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000, the Human Rights Act 1998 and Equalities Act 2010, together with any other relevant legislation or guidance that may be brought into force from time to time that affects the conduct of criminal investigations.

Officers have a variety of powers, including power to enter premises and inspect goods, books and documents and to seize and detain such goods, books and documents which may be required for evidence. We will provide at least 48 hours' notice prior to inspection, unless such a notice will defeat the object of such a visit.

Officers may also take with them such other persons and / or equipment as may be necessary when exercising powers of entry. In certain cases they may exercise an entry warrant issued by a Magistrate, in order to gain access into premises. If individuals or businesses obstruct officers they may well be liable to prosecution for such obstruction.

The prosecuting authorities for investigations that are conducted by or on behalf of the NTS Teams are local authorities. Nottinghamshire County Council, as the host authority, is the primary prosecuting authority for the purpose of the EMRIT. It is the primary objective of the EMRIT to investigate and instigate proceedings for contraventions of consumer offences as detailed in paragraphs 10 and 11 of Schedule 5 of the Consumer Rights Act 2015, whether or not those offences are later supplemented in court with more appropriate charges of fraud, conspiracy or similar.

Where Nottinghamshire County Council prosecutes for an offence outside its own area which doesn't principally affect its own citizens, the authority will have due regard to the nature of the offending and its responsibilities as the host of EMRIT.

Formal enforcement action will be taken where appropriate. For the purpose of this policy the range of options for action may include:

- Referral to another agency for action
- Written warnings
- Statutory notices prescribed by legislation
- Written undertakings prescribed by legislation
- Civil injunctions
- Simple cautions
- Enforcement orders
- Prosecution and
- Any other remedy that may be made available to the prosecuting authority by statute including appropriate applications made under the Proceeds of Crime Act 2002.

Where formal enforcement action is necessary, EMRIT and the prosecuting authority will consider the most appropriate course of action (from the range of sanctions and penalties available above) with the intention of:

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for noncompliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

## **Review of Policy**

The EMRIT enforcement policy will be regularly reviewed and amendments will be made, as appropriate. Amendments to the policy may also be made at other times as a result of identified improvements which contribute to the main aims of the EMRIT and NTS.

## **Availability of this Policy**

This Enforcement Policy is made available to anyone and is published on the Nottinghamshire County Council website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

This information can be made available in other languages and formats. For further information please contact 0115 8041147.



**REPORT OF THE CHAIRMAN OF THE ADULT SOCIAL CARE & PUBLIC  
HEALTH COMMITTEE****LEARNING DISABILITY AND AUTISM COMMUNITY DISCHARGE GRANT****Purpose of the Report**

1. The report details the provision of the Learning Disability and Autism Community Discharge Grant to Nottinghamshire County Council by the Department of Health and Social Care and seeks approval to accept and administer the Grant on behalf of the Nottinghamshire Transforming Care Partnership.

**Information**

2. In the Budget announced on 11<sup>th</sup> March 2020, the government committed to providing funding over the next three years to speed up the discharge of individuals with learning disabilities or autism into the community from mental health inpatient care in England. This will be known as the 'Learning Disability and Autism Community Discharge Grant'.
3. The Grant will provide additional monies for local authorities in England in 2020/21, distributed as a Section 31 grant. The intended use of the Grant is to alleviate 'double running costs', which have been identified as a barrier to discharge. Double running costs occur in the period before a formal discharge when a person is still an inpatient requiring a bed, and a community care package is also in place. The revenue costs could be associated with staff costs, training, rent or other support costs. This funding will help Transforming Care Partnerships (TCPs) to facilitate discharge as part of the recovery period post-Covid 19.
4. The Nottinghamshire TCP is a partnership between Nottingham City Council, Nottinghamshire County Council and Nottingham and Nottinghamshire Clinical Commissioning Group who along with NHS England are responsible for commissioning health and care services for people in the area.
5. Funding, for the first of the three years, will be allocated using a custom distribution methodology. This links the allocations to a TCP's share of the total number of people with a learning disability and/or autism who are inpatients. Actual inpatient numbers are being used to forecast where double running costs will occur. Under this methodology, all TCPs will receive some funding. This approach uses the most reliable data, at TCP level, as opposed to local authority level.

6. The proposal is that each TCP nominates a lead local authority who will receive the Grant payment. The TCP will then be responsible for distributing the monies between the local authorities in their Partnership, based on need and local intelligence. In Nottinghamshire the County Council has taken on the role of administering other TCP monies through a Section 256 agreement and it has therefore been requested that it is the County Council which takes the lead on this new Grant allocation.
7. A Memorandum of Understanding (MoU) will be signed by the Council as the lead local authority. This will be non-legally binding but will set out the expectations for the Grant.
8. The Grant will be payable for the financial years 2020/21 to 2022/23 (inclusive). Funding for 2020/21 will be £401,753. Indicative allocations for 2021/22 and 2022/23 will be made ahead of each of those financial years and will be subject to consultation.

### **Other Options Considered**

9. No other options have been considered.

### **Reason/s for Recommendation/s**

10. Adult Social Care is able to administer the Grant on behalf of the Transforming Care Partnership, ensuring funding is used appropriately to alleviate the double running costs of the local authority and partners.

### **Statutory and Policy Implications**

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

### **Financial Implications**

12. The Grant will be payable for the financial years 2020/21 to 2022/23 (inclusive). Funding for 2020/21 will be £401,753. Indicative allocations for 2021/22 and 2022/23 will be made ahead of each of those financial years and will be subject to consultation. This money will be used across Nottingham and Nottinghamshire to offset additional “double running” costs incurred when a service user is transitioning from a hospital inpatient setting into a community placement, during which time costs may need to be paid to secure transitional staffing costs, or fees to secure a community placement pending discharge.

### **RECOMMENDATION/S**

- 1) That Committee agrees to the County Council receiving and administering the Learning Disability and Autism Community Discharge Grant allocation for financial years 2020/21 to 2022/23 on behalf of the Transforming Care Partnership.

**Councillor Tony Harper**  
**Chairman of the Adult Social Care and Public Health Committee**

**For any enquiries about this report please contact:**

Mercy Lett-Charnock  
Commissioning Manager, Integrated Strategic Commissioning  
T: 0115 9773073  
E: [mercy.lett-charnock@nottsc.gov.uk](mailto:mercy.lett-charnock@nottsc.gov.uk)

**Constitutional Comments (AK 06/08/20)**

13. The report falls within the remit of Policy Committee under the financial regulations in the Constitution.

**Financial Comments (KAS 06/08/20)**

14. The financial implications are contained within paragraph 12 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.

None.

**Electoral Division(s) and Member(s) Affected**

All.

ASCPH718 final



**REPORT OF THE LEADER OF THE COUNCIL****PROPOSED EXPANSION OF TOOT HILL SCHOOL****Purpose of the Report**

1. To seek approval to the principle of an increase in capacity at Toot Hill School by one form of entry (FE) / 150 school places.
2. To seek approval for funding to enable a detailed analysis, site surveys, master-planning, feasibility study and design to planning application stage regarding the deliverability and estimated costs for the above expansion.
3. To seek approval for funding for Arc to monitor the proposed works.

**Information**

4. Nottinghamshire County Council (NCC) has a statutory duty to secure a sufficiency of school places for all children of statutory school age (5-16 years old) whose parents want them to be educated in a state-funded school. As the Local Authority's role shifts to that of being a 'commissioner' of school places, it will be necessary to work in a different way with a diverse range of providers and different models of governance. The future landscape of education provision in Nottinghamshire is expected to be a 'mixed economy' approach, characterised by a wide variety of schools, academies and other providers.
5. As reported to Policy Committee on 15<sup>th</sup> July 2020 (Agenda Item 4- Expansion of South Nottinghamshire Academy) the school is part of the Rushcliffe East secondary planning area, which also includes South Wolds Academy and South Nottinghamshire Academy. Current projections in the area indicate a significant shortage of secondary places. There is a significant amount of housing anticipated to be built in the planning area, with circa 1,000 dwellings being constructed in Bingham (Chapel Lane / Roman's Quarter) and Radcliffe-on-Trent (Shelford Road). The report outlined a desire for further expansion of Toot Hill School with a PAN rise from 300 to 330 creating 150 additional places. This will not address place deficiency in West Bridgford.
6. The data contained in Table1 (please see below) demonstrates a growing shortfall of statutory school places in the secondary phase of education in the Rushcliffe East Planning area. This shortfall rises to over 300 places in the period from September 2024 to 2027 meaning that an expansion Toot Hill of more than 1 form of entry (150 places) is required to satisfy the growing demand. Independently of this project, there is a proposal to create an additional Form of Entry (PAN + 30) at South Nottinghamshire Academy.

Table 1 – Rushcliffe East planning area

					School years							Whole school projection	
School Name	Planning area	PA	Net ca	PROJ YEAR	7	8	9	10	11	12	13	TOTAL	surplus / deficit place
Planning area summary	Rushcliffe East	570	3754	2019-20	596	593	573	565	567	301	291	3486	+268
Planning area summary	Rushcliffe East	570	3754	2020-21	654	602	596	566	560	323	303	3604	+150
Planning area summary	Rushcliffe East	570	3754	2021-22	659	660	605	590	562	334	328	3738	+16
Planning area summary	Rushcliffe East	570	3754	2022-23	642	670	667	603	589	342	343	3856	-102
Planning area summary	Rushcliffe East	570	3754	2023-24	655	653	678	666	604	362	351	3969	-215
Planning area summary	Rushcliffe East	570	3754	2024-25	661	665	660	676	666	377	370	4075	-321
Planning area summary	Rushcliffe East	570	3754	2025-26	617	669	670	655	673	414	382	4080	-326
Planning area summary	Rushcliffe East	570	3754	2026-27	617	625	674	665	652	421	420	4074	-320
Planning area summary	Rushcliffe East	570	3754	2027-28	597	621	626	666	659	411	423	4003	-249
Planning area summary	Rushcliffe East	570	3754	2028-29	576	600	621	617	659	417	412	3902	-148

Table 2 – extract showing Toot Hill School only

					School years							Whole school projection	
School Name	Planning area	PA	Net ca	PROJ YEAR	7	8	9	10	11	12	13	TOTAL	surplus / deficit place
Toot Hill School	Rushcliffe East	300	2012	2019-20	312	294	310	339	331	196	191	1973	+39
Toot Hill School	Rushcliffe East	300	2012	2020-21	358	316	295	309	338	210	194	2020	-8
Toot Hill School	Rushcliffe East	300	2012	2021-22	336	363	318	295	309	222	210	2053	-41
Toot Hill School	Rushcliffe East	300	2012	2022-23	337	342	365	318	295	210	222	2089	-77
Toot Hill School	Rushcliffe East	300	2012	2023-24	338	342	344	365	318	206	210	2123	-111
Toot Hill School	Rushcliffe East	300	2012	2024-25	356	342	343	343	364	221	205	2174	-162
Toot Hill School	Rushcliffe East	300	2012	2025-26	319	358	341	339	339	248	217	2161	-149
Toot Hill School	Rushcliffe East	300	2012	2026-27	321	321	357	337	335	235	244	2150	-138
Toot Hill School	Rushcliffe East	300	2012	2027-28	266	319	316	350	330	231	228	2040	-28
Toot Hill School	Rushcliffe East	300	2012	2028-29	289	264	314	309	343	228	224	1971	+41

- Officers from Pupil Place Planning and Place Strategy have been working closely with Nova Education Trust and have identified an opportunity to provide the required additional places at Toot Hill. The school currently operates as a 10 Form Entry school with a PAN of 300. At the conclusion of the programme of expansion funded through developer contributions the school will complete a Significant Change Document and revise its PAN to 330.
- In December 2013 a Section 106 Agreement was signed between Crown Estate Commissioners and Rushcliffe Borough Council, confirming that a contribution of £2,761,040 (Two Million, Seven Hundred and Sixty-One Thousand and Forty Pounds) was to be made available to provide additional secondary school places within the planning area. An additional £226,079 (Two Hundred and Twenty-Six Thousand and Seventy-Nine Pounds) is available should it be required, from a Section 106 Agreement generated by a development at Aslockton. This gives a total available budget of £2,987,119 (Two Million, nine hundred and eighty-seven thousand, one hundred and nineteen pounds).

## **Way Forward**

9. The Trust has undertaken some high-level master planning of the school site to look at options for the delivery of the required works to meet the additional proposed places and this has given sufficient confidence that there is potential for a successful outcome. In order to move proposals forward it is now necessary to undertake detailed planning and feasibility work which will be commissioned by the Trust. In order to take the designs to RIBA Stage 5 (Construction) to planning application stage, the Trust will require a Grant Funding Agreement to be prepared for £92,840 (Ninety-Two Thousand, Eight Hundred and Forty Pounds) for design services. It is expected that the expenditure will occur in the current financial year.
10. Current indications are that the project cost is likely to be lower than the section 106 payments outlined above and lower per pupil place than the Councils benchmark expected cost although the proposed feasibility work will provide more detailed costs. It has been made clear to the Academy that there is a maximum amount of money available and that the Council will not spend more than is available through the Section 106 Agreements. Members should note that Nottinghamshire County Council is required to forward-fund this project, with Rushcliffe Borough Council forwarding Section 106 funds upon completion of the project.
11. In order to ensure that the designs meet pupil place planning requirements and can be delivered at acceptable cost Arc will be commissioned to undertake a monitoring role on the activities.

## **Other Options Considered**

11. There are no feasible alternative secondary school options available to be considered.

## **Reason/s for Recommendation/s**

12. The Council has a statutory duty to ensure sufficiency of school places across the county. The Rushcliffe planning area is an area that will require additional school places.

## **Statutory and Policy Implications**

13. 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**

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

## **Implications for Service Users**

15. The provision of additional school places within the Rushcliffe planning area will help to ensure pupils can be accommodated at their school of choice.

## **Implications for Sustainability and the Environment**

16. The provision of schools serving their immediate local area will reduce the need to travel.

## **RECOMMENDATION/S**

That approval is given to:

- 1) The principle of an increase in capacity at Toot Hill School by one form of entry (FE)/150 places.
- 2) Funding of £92,840 to enable master planning, feasibility and design to planning application stage that would assess deliverability and estimated construction costs.
- 3) The appointment of Arc to monitor the works at a cost of £10,000.

**COUNCILLOR MRS KAY CUTTS, MBE**  
**Leader of the Council**

**For any enquiries about this report please contact: Matthew Neal, Service Director Investment and Growth, t: 0115 977 3822; e: [matthew.neal@nottsc.gov.uk](mailto:matthew.neal@nottsc.gov.uk)**

## **Constitutional Comments (SS 07/08/2020)**

17. This report is appropriate to be considered by Policy Committee.

## **Financial Comments (GB 13/08/2020)**

18. It is proposed that the £102,840 costs set out in this report will be forward-funded from the Basic Need capital programme, which is already approved in the Authority's capital programme with a value in 2020/21 of £13.3m, until the S106 contribution are received by the Authority.

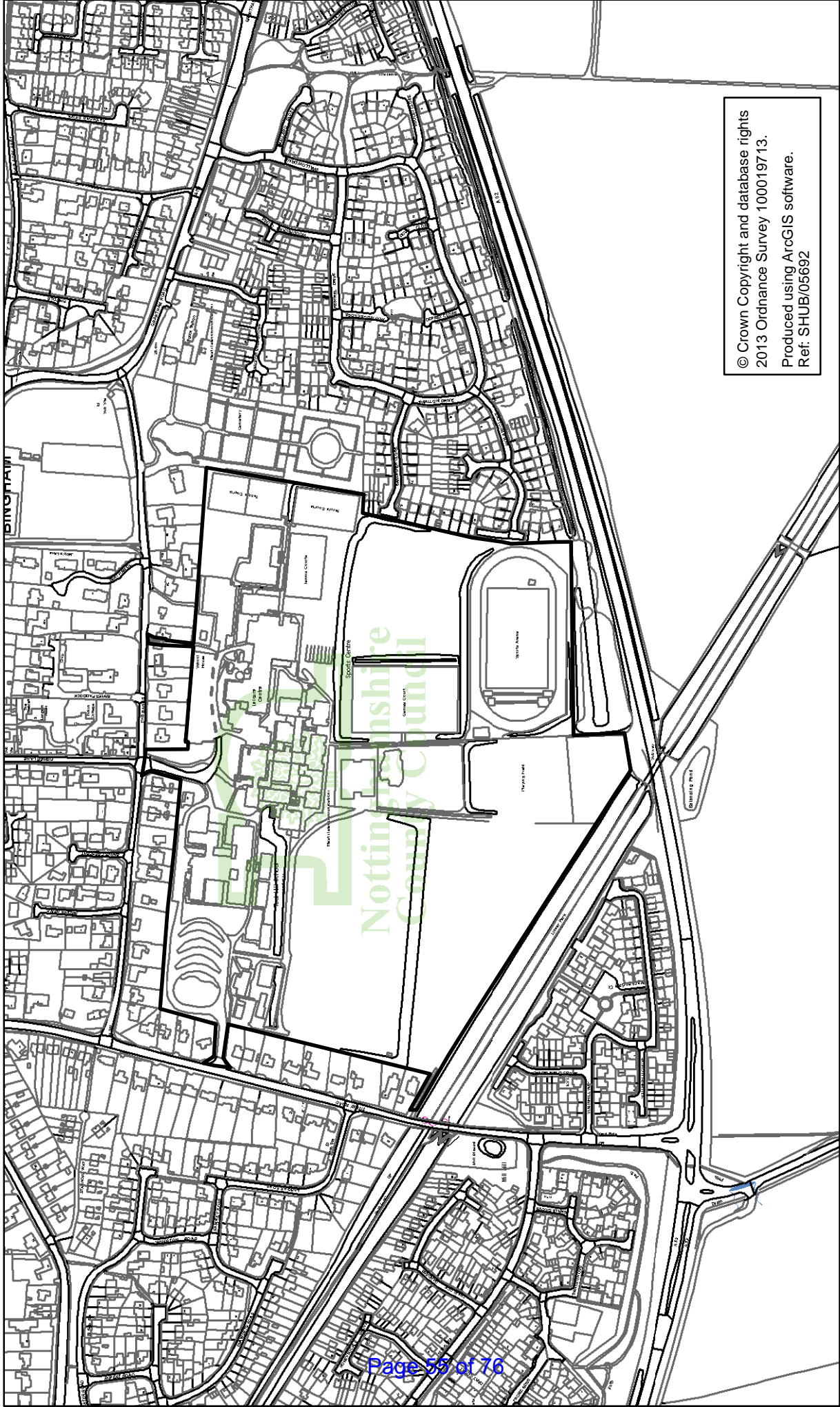
## **Background Papers and Published Documents**

- None.

## **Electoral Division(s) and Member(s) Affected**

- Electoral Division(s): Bingham East - Member(s): Councillor Francis Purdue-Horan

File ref.: /NG/SB/01818/new  
SP: 3718  
Properties affected: 01818 : Toot Hill School (Academy)





**REPORT OF THE LEADER OF THE COUNCIL****PROPOSED ACQUISITION OF PRIMARY SCHOOL SITE AND EXPANSION  
LAND - NORTH OF GATEFORD PARK WORKSOP****Purpose of the Report**

1. To seek approval to fulfil the Council's statutory duty to ensure a sufficiency of primary school places in the Worksop (Bassetlaw) planning area to meet future projected need by approving the purchase of and the funding required to secure the proposed Primary School site and expansion land at Harlequin Drive, Gateford Park, Worksop and to install security fencing to the entire perimeter.

**Information**

2. Nottinghamshire County Council (NCC) has a statutory duty to secure a sufficiency of school places for all children of statutory school age (5-16 years old) whose parents want them to be educated in a state-funded school. As the Local Authority's role shifts to that of being a 'commissioner' of school places, it will be necessary to work in a different way with a diverse range of providers and different models of governance. The future landscape of education provision in Nottinghamshire is expected to be a 'mixed economy' approach, characterised by a wide variety of schools, academies and other providers.
3. In May 2015, Bassetlaw District Council and Nottinghamshire County Council signed a Section 106 Agreement with Land Improvement Holdings (LIH) Landmatch, relating to a development of up to 750 new homes known as Gateford Park. The Agreement provides that upon completion of the 450<sup>th</sup> dwelling the County Council is able to acquire the serviced 1.1 hectare site indicated edged on the attached plan for the sum of £1.00 (one pound), upon which to initially develop a 210-place primary school which would be capable of expansion if required. In addition, a £2,567,000 (Two Million, Five Hundred and Sixty-Seven Thousand Pounds) contribution towards the construction cost of the school is included in the Agreement. The first 10% of the funding available has already been received by Bassetlaw District Council. The next 40% will be paid upon the Council securing planning consent to build the school; 30% upon completion of Phase 1 of the school; and the final 20% to be paid 12 months after the completion of the school. Therefore, the ability to secure and receive the outstanding 90% of the contribution is reliant upon the Council securing a planning consent and constructing the new school.
4. The Agreement also includes a clause enabling the County Council to acquire an adjoining additional piece of land of 0.4 hectares as indicated hatched on the attached plan limited to use as school expansion land for the sum of £40,000 (forty thousand pounds). The purchase of this land would give the Council greater flexibility into the future for the provision of a larger school at this location to meet potentially increasing demand for places. It is to be noted that from date of purchase the Council will have 5 years to bring the site into use for a purpose

associated with the primary school or will be required to offer the land back to the developer at the same price as purchased for.

5. There may be a delay in between acquiring this site and starting development of the school. Arc is currently preparing a planning application for a security fence which will enclose the primary school land and the expansion land. These costs are estimated to be approximately £150,000. In addition to fencing the site will be subject to regular security inspections and subject to maintenance to keep clean and tidy.
6. Nottinghamshire County Council will be required to forward-fund this project from its Basic Need programme, with tranches of Section 106 money being received on completion of the triggers outlined above.
7. There is a significant risk that the construction cost of this school will exceed £4 million, based upon recently-completed school projects. Any additional budget will need to be found from the Council's Basic Need education budget.
8. It is anticipated that the land acquisition (£40k) and fencing works will be completed during the 2020/2021 financial year; there is some uncertainty as to when the new school will be required, however it is anticipated that construction will start in 2022, with a 52 week build period.

### **Other Options Considered**

9. The housing development associated with this proposal is in the catchment of Gateford Park Primary School. A detailed site analysis has demonstrated that further expansion on this site is impossible. The site is too small. Consideration has been given to allowing the school places required by this development to be delivered by other schools in the Worksop planning area. The distances to other schools and the size of the roads that parents would be required to cross have caused this option to be dismissed.

### **Reason/s for Recommendation/s**

10. The Council has a statutory duty to ensure sufficiency of school places across the county. The Worksop planning area is an area that will require additional school places. By securing ownership of a larger site the future growth at the new school is made more deliverable. The Department for Education has indicated that wherever possible local authorities should commission the building of larger schools i.e. schools bigger than 1 form of entry (210 places). The availability of a 1.5 hectare site for a new school has scope for further expansion, whereas one on a 1.1 hectare site has no scope for further growth.

### **Statutory and Policy Implications**

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

## **Financial Implications**

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

## **Implications for Service Users**

13. The provision of additional school places within the Bassetlaw/Worksop planning area will help to ensure pupils can be accommodated at their school of choice.

## **Implications for Sustainability and the Environment**

14. The provision of schools serving their immediate local area will reduce the need to travel.

## **RECOMMENDATION/S**

That approval is given to:

- 1) The purchase of approximately 1.1 hectares of land at Gateford Park in the sum of £1 for school construction to meet pupil place need in the planning area, the purchase of 0.4 hectares of adjacent expansion land in the sum of £40,000 (forty thousand pounds) and £150,000 of costs associated with the security fence.
- 2) The purchase to be forward-funded from the Council's Basic Need education budget.

## **COUNCILLOR MRS KAY CUTTS, MBE**

**Leader of the Council**

**For any enquiries about this report please contact: Matthew Neal, Service Director, Investment and Growth, t: 0115 977 3822; e: [matthew.neal@nottsccl.gov.uk](mailto:matthew.neal@nottsccl.gov.uk)**

## **Constitutional Comments (SS 07/08/2020)**

15. This report is appropriate to be considered by Policy Committee.

## **Financial Comments (GB 11/08/2020)**

16. It is proposed that the £190,001 costs set out in this report will be forward-funded from the Basic Need capital programme, which is already approved within the 2020/21 capital programme at a value of £13.3m, until the S106 contributions are received by the Authority.

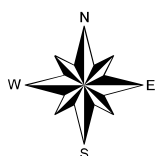
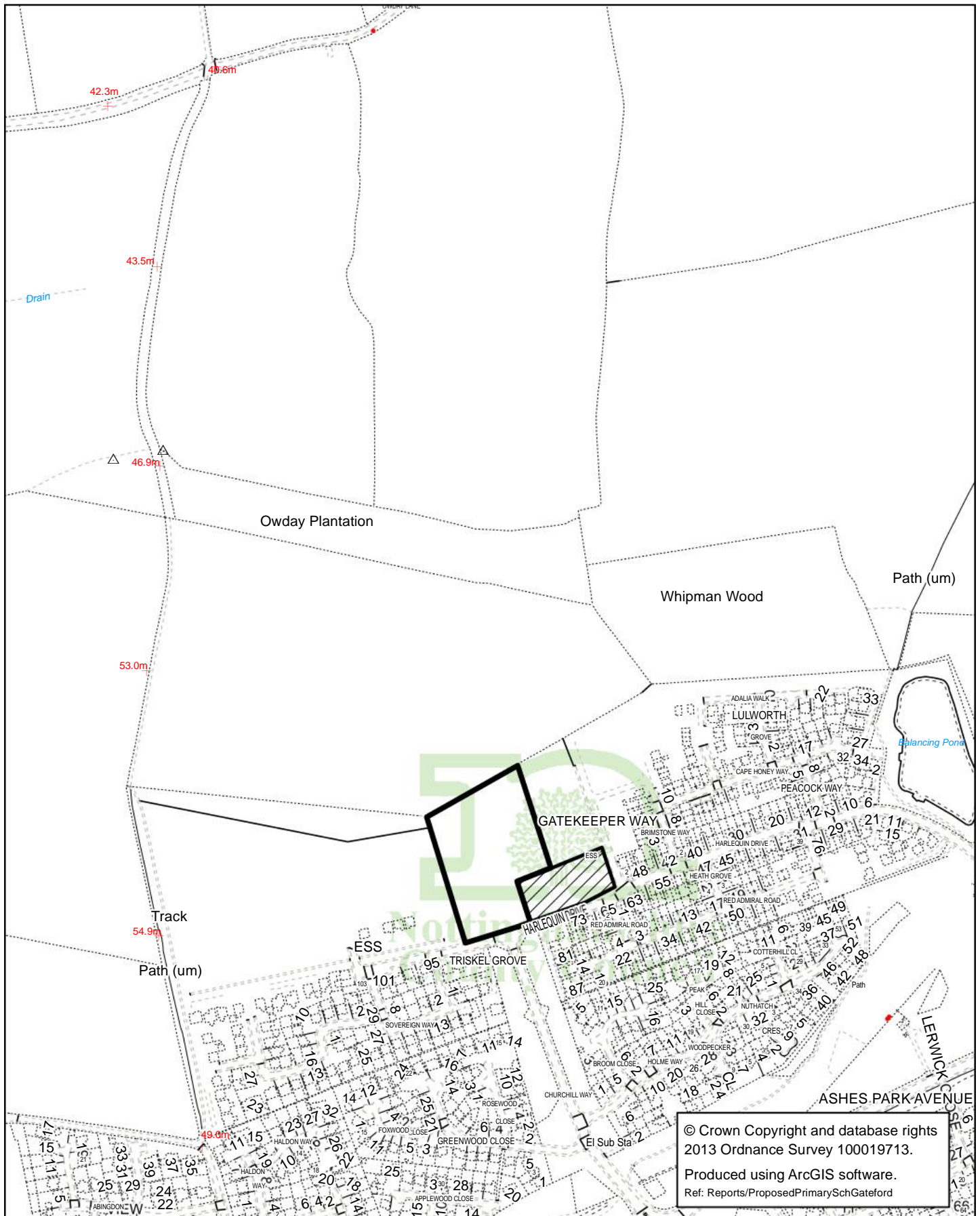
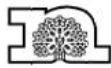
## **Background Papers and Published Documents**

- None.

## **Electoral Division(s) and Member(s) Affected**

- Electoral Division(s): Worksop West - Member(s): Councillor Sybil Fielding







**REPORT OF THE LEADER OF THE COUNTY COUNCIL****LINDHURST DEVELOPMENT UPDATE: SITE DISPOSALS****Purpose of the Report**

1. The purpose of this report is to provide an update on the Lindhurst Development Scheme with particular reference to proposed land sales and, to seek revised approval for the Council to enter into a land sales contract along with the two other collaborating parties.
2. To authorise the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to approve terms of the sale contracts as set out in the Exempt Appendix to this report.

**Information**

3. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix to this report.

**Background**

4. The new Council Plan "Your Nottinghamshire, Your Future" sets out an ambitious vision for the future of Nottinghamshire in which the county is at the forefront of modern Britain. We want Nottinghamshire to be a place where young people and young families have the opportunity to put down their roots and live healthy and fulfilling lives. In order to achieve this, we know that quality housing in good locations is vital. We will therefore work with developers and the Government to bring forward new housing that meets the needs of our growing population and everyone who wants to build their future here.
5. The Council has further defined its ambitions in its Place Strategy 2019-21 by investing in opportunity areas the Council aims to unlock new jobs and deliver better housing. Key activities identified for Investing in Nottinghamshire in 2019/20 include bringing forward developments at Lindhurst, Mansfield.
6. By embracing the ethos of working with Government and developers in order to bring forward new housing, the Council has been very successful in working as a partner of the Lindhurst Group to kick start development activity. Phase One is well under way with land disposals already achieved. The development saw 210 housing completions by the end of March 2020. Making the best possible use of the land will make a critical contribution towards fulfilling the Council's ambitions for the county and for the housing needs of its communities. [Page 63 of 76](#)

7. The Lindhurst Group is in a position to conclude the disposals to complete Phase One by disposing of Plots 8a and 8b. A plan of the site is provided as an Appendix to this report. This area of the County needs new opportunities for employment and housing for its economic and social wellbeing. The Lindhurst Scheme will help to provide new jobs and homes and improve the prospects for the whole area. It is a new neighbourhood which will create over 1700 homes, and associated community facilities.
8. Policy Committee, at its meeting of 18 September 2019, previously supported the Lindhurst Group's decision to dispose of Plots 8a and 8b. The land sale has not been completed for reasons outlined in the Exempt Appendix and revised approval is required for the Lindhurst Group to proceed with the sale of land on the terms set out in the Exempt Appendix.
9. Further information regarding the detail of the offer for Plots 8a and 8b is set out in the Exempt Appendix to this report.

### **Other Options Considered**

10. As detailed in the exempt appendix.

### **Reason/s for Recommendation/s**

11. To enable the sale of land in line with the Developer Collaboration Agreement and to secure a capital receipt to the Lindhurst Group and to provide much needed housing for this location.

### **Statutory and Policy Implications**

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

### **RECOMMENDATION/S**

- 1) To seek approval for the Council to enter into a land sales contract along with the two other collaborating parties.
- 2) To authorise the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to approve terms of the sale contracts as set out in the Exempt Appendix to this report.

**Councillor Mrs Kay Cutts MBE**  
**Leader of the County Council**

**For any enquiries about this report please contact:** Matthew Neal, Service Director, Investment & Growth, Tel: 0115 977 3822

### **Constitutional Comments (SSR 17/8/2020)**

13. The scope of the recommendations fall within the terms of reference for Policy Committee to approve.

### **Financial Comments (KRP 27/8/20)**

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

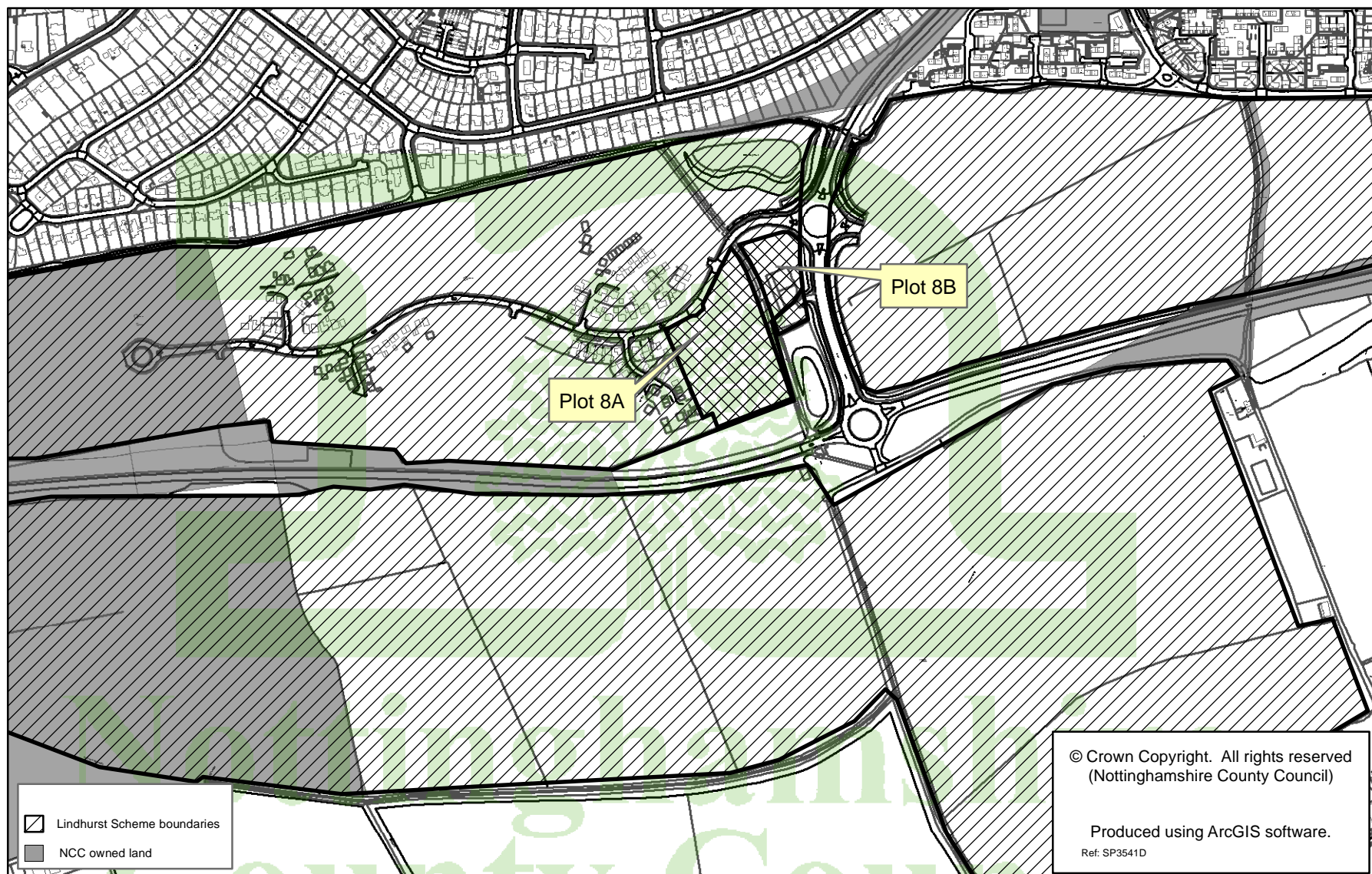
### **Background Papers and Published Documents**

- Policy Committee (18 September 2019) Report – Lindhurst Development Update: Site Disposals.

### **Electoral Division(s) and Member(s) Affected**

- Electoral Division: Sutton Central East, Mansfield South
- Member(s): Councillor Samantha Deakin, Councillor Stephen Garner, Councillor Andy Sissons

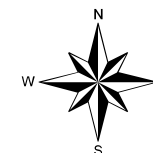




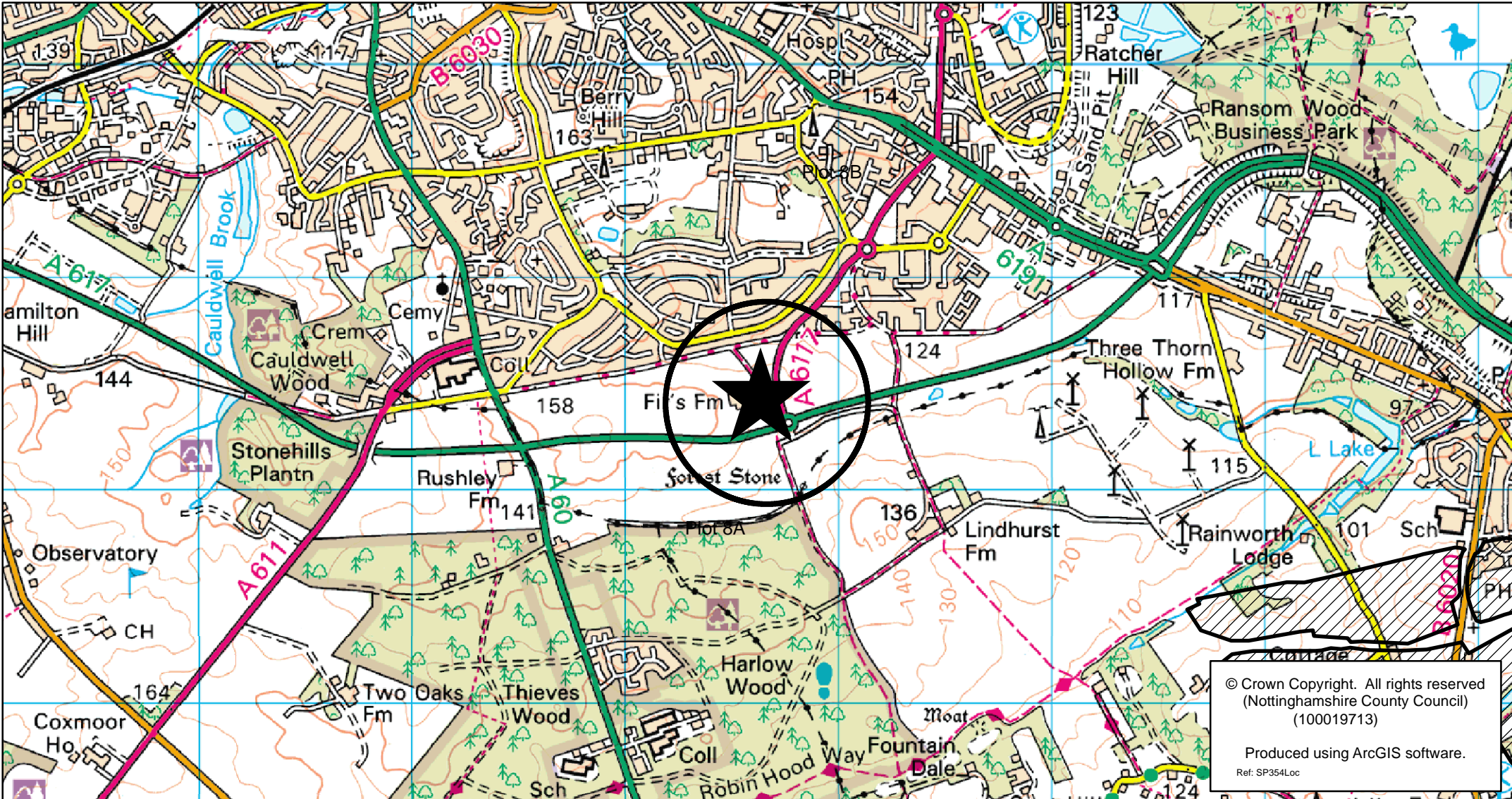
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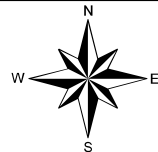
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**REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND  
EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2020.

**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. The meeting dates and agenda items are subject to review in light of the ongoing COVID-19 period.
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.

**Other Options Considered**

5. None.

**Reason for Recommendation**

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

**Statutory and Policy Implications**

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

## **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 (EH)**

8. 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 2 SEPTEMBER 2020)**

<b><u>Report Title</u></b>	<b><u>Brief summary of agenda item</u></b>	<b><u>Lead Officer</u></b>	<b><u>Report Author</u></b>
<b>30 September 2020</b>			
Special Educational Needs and/or Disabilities Policy	To see approval for this policy for the period 2020-23	Colin Pettigrew	Chris Jones
Arc and Via – a collaboration to deliver Economic Growth	To consider formalising a Memorandum of Understanding between the Arc Partnership and Via East Midlands on collaboration and joint working that supports Nottinghamshire County Council's strategies and plans for economic growth.	Adrian Smith	Derek Higton / Andy Evans
Approval of Disabled Facilities Grant	To seek approval for a loan, as part of the Disabled Facilities Grant policy, to enable essential adaptations to a disabled child's home.	Colin Pettigrew	Sandrina Mapletoft
Transforming Cities Programme	To provide an update on Nottingham City Council's Transforming Cities Fund bid and to set out the next steps in project delivery including relevant approvals.	Adrian Smith	Matthew Neal / Sally Gill / Kevin Sharman
Update on the work of East Midlands Councils	Stuart Young, Executive Director of East Midlands Councils to provide an update.	Anthony May	Stuart Young
Lindhurst Development Update – Site Disposals		Adrian Smith	Andy Evans
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Modern Day Slavery Annual Statement	To agree the Council's annual statement.	Adrian Smith	Cathy Harvey
The National Rehabilitation Centre Update	Miriam Duffy, Programme Director to give an update on progress following the initial report to Policy Committee in January 2020.	Anthony May	Miriam Duffy
Sale of land at Rolleston Drive		Adrian Smith	Neil Gamble/Matt Brouwer
<b>11 November 2020</b>			
Outside Bodies Update Report	To notify Committee of any changes to the Council's Outside Bodies Register and to seek approvals where appropriate (in line with new processes agreed by Policy Committee on 22 May 2019)	Marjorie Toward	Keith Ford

Potential Third Secondary School in West Bridgford	To consider a further update on this issue.	Adrian Smith	Neil Gamble
Update on D2N2 Local Enterprise Partnership and Midlands Engine Partnership	To provide an update on the work of the D2N2 LEP, the City of Nottingham and the Midlands Engine Partnership and seek funding as appropriate.	Adrian Smith	Nicola McCoy-Brown
Arc Partnership Bi-Annual Report	Arc Partnership 6 monthly Performance Report.	Adrian Smith	Dan Maher/Phil Berrill
<b>9 December 2020</b>			
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Update on the work of the Violence Reduction Unit TBC	Dave Wakelin, Director of the Violence Reduction Unit, to provide a progress update.	Anthony May	Dave Wakelin
<b>13 January 2021</b>			
Working with Nottinghamshire's Universities	To update on the Council's work with Nottingham Trent University and University of Nottingham.	Anthony May	Nicola McCoy-Brown
Use of Urgency Procedures	Six Monthly Update report on the use of the Council's procedures for taking urgent decisions.	Marjorie Toward	Keith Ford
<b>10 February 2021</b>			
High Speed 2 (HS2) Update	To provide an update on progress with HS2	Adrian Smith	Ken Harrison / Hannah Barrett
Local Government Association Conference and Exhibition 2021	To seek approval for attendance at this annual conference.	Anthony May	Keith Ford
<b>17 March 2021</b>			
Update on the work of East Midlands Councils	Stuart Young, Executive Director of East Midlands Councils to provide an update.	Anthony May	Stuart Young
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Planned Maintenance 2021-22 – Latest Estimated Costs Report	Establishing the Planned Maintenance programme for 2021-22. Establishes programme and approves progression to feasibility / design stage.	Derek Higon	Phil Berrill
<b>21 April 2021</b>			

<b>16 June 2021</b>			
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Update on the work of the Violence Reduction Unit TBC	Dave Wakelin, Director of the Violence Reduction Unit, to provide a progress update.	Anthony May	Dave Wakelin
<b>14 July 2021</b>			
Use of Urgency Procedures	Six Monthly Update report on the use of the Council's procedures for taking urgent decisions.	Marjorie Toward	Keith Ford
The National Rehabilitation Centre Update TBC	Miriam Duffy, Programme Director to give an update on progress following the initial report to Policy Committee in January 2020.	Anthony May	Miriam Duffy
Outside Bodies - Update Report	To notify Committee, on a six monthly basis, of any changes to the Council's Outside Bodies Register and to seek approvals where appropriate.	Marjorie Toward	Keith Ford

