

Policy Committee

Wednesday, 20 May 2015 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- 1 To note the appointment by the County Council on 14 May 2015 of Councillor Alan Rhodes as Chair of the Policy Committee and Councillor Joyce Bosnjak as Vice-Chair
- 2 To note the membership of the Committee
- 3 Minutes of last meeting held on 22 April 2015 3 - 6
- 4 Apologies for Absence
- 5 Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary)
- 6 Highways and Fleet Management Joint Venture Company 7 - 32
- 7 Local Enforcement Plan - the County Council's Guide to Monitoring and Enforcement 33 - 66
- 8 Revision of the Adult Social Care Strategy 67 - 76
- 9 Under-16 Home to School Transport Policy and Post-16 Transport Policy - 2015-16 Academic Year 77 - 118
- 10 Updated Brand Policy 119 - 134
- 11 County Council Civic Service 135 - 136

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 Paul Davies (Tel. 0115 977 3299) 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, 22 April 2015 at 10:30am**

membership

Persons absent are marked with 'A'

COUNCILLORS

Alan Rhodes (Chairman)
Joyce Bosnjak (Vice-Chairman)

Reg Adair
Jim Creamer
Mrs Kay Cutts MBE
Glynn Gilfoyle
Kevin Greaves
Stan Heptinstall MBE
Richard Jackson
David Kirkham
John Knight

Diana Meale
Philip Owen
John Peck JP
Ken Rigby **A**
Richard Butler
Gail Turner **A**
Stuart Wallace
Muriel Weisz

ALSO IN ATTENDANCE

Councillor Alan Bell
Councillor Roy Allan
Councillor Nikki Brooks
Councillor Steve Calvert
Councillor Steve Carroll
Councillor Alice Grice

Councillor Darren Langton
Councillor Sheila Place
Councillor Liz Plant
Councillor Yvonne Woodhead

OFFICERS IN ATTENDANCE

Anthony May

Chief Executive

Sara Allmond
Carl Bilbey
Martin Done
Keith Ford
Jayne Francis-Ward
Matthew Lockley
Celia Morris
Catherine Munro
Michelle Welsh

Policy, Planning & Corporate Services

MINUTES

The Minutes of the last meeting held on 11 March 2015, having been previously circulated, were confirmed and signed by the Chairman.

MEMBERSHIP OF THE COMMITTEE

The following temporary changes in membership for this meeting only were reported:-

- Councillor Richard Butler had replaced Councillor Martin Suthers OBE.

APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Ken Rigby (medical appointment) and Councillor Gail Turner.

DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None

PROTECTION OF PROPERTY & PETS AND FUNERAL ARRANGEMENTS POLICY

RESOLVED: 2015/018

That the revised Protection of Property & Pets and Funeral Arrangements Policy be approved.

ADVERTISING AND SPONSORSHIP PROGRESS REPORT

RESOLVED: 2015/019

- 1) That the progress made to date to generate income from advertising and sponsorship be noted.
- 2) That the next steps outlined to generate further income be approved.
- 3) That the Committee receives an annual update report on income generation through advertising and sponsorship.

THE NOTTINGHAM AND NOTTINGHAMSHIRE COMBINED AUTHORITY AND THE D2N2 DEVOLUTION PROSPECTUS

RESOLVED: 2015/020

- 1) That the contents of the report be noted.
- 2) That a further report is brought to Policy Committee in October 2015, providing further information on the progress of the Combined Authority status application.

WORK PROGRAMME

RESOLVED: 2015/021

That the work programme be noted.

The meeting closed at 11.26 am.

CHAIRMAN

REPORT OF THE CHAIR OF THE TRANSPORT AND HIGHWAYS COMMITTEE**HIGHWAYS AND FLEET MANAGEMENT JOINT VENTURE COMPANY****Purpose of the Report**

1. To seek approval for the establishment of a joint venture company with CORMAC for the delivery of integrated highway services for Nottinghamshire.

Information and AdviceThe Current Position

2. Highways are a vital part of the infrastructure of any area and a universally used service for residents and businesses in the County. The sustainability of the current service is challenged by the current financial position of the Authority, and as a result alternative service delivery models have been considered to secure a long term sustainable service.
3. The service has experienced very significant revenue budgetary reductions, over the last few years, whilst at the same time dealing with increased demand and a growing asset base. Many of the services provided in respect of Highways are statutory and whilst short term reductions in service can and have been made, these are not sustainable in the long term and the current model of provision will become unviable unless steps are taken to address the situation.
4. Further savings to the value of £1.1m are predicated against the Highways budget. Without both commercial input and adopting more flexible operating practices it will not be possible to improve productivity and sustain the current range, depth and quality of Highways services. This situation is compounded by the increasing buoyancy of the construction market which has already attracted skilled staff away from the local authority sector. Adopting a commercial approach, securing external business and enhancing productivity has become paramount for the future viability and sustainability of the service.
5. An options appraisal was undertaken in 2014 to identify the most appropriate model to deliver a sustainable Highways service. The options appraisal was based on 3 key assumptions:
 - That the Authority would retain a high degree of control over any new service provision.
 - That any new service provision would deliver a balance of value for money and service quality.

- That any new service would be commercially viable and have the capability to market and sell design and delivery services into the market to ensure its sustainability.
6. The options appraisal concluded that a public joint venture company with an existing provider – such as CORMAC, was the best model to satisfy the above criteria.
 7. The Authority has taken external legal advice from Bevan Brittan LLP to ensure the best model and the proposed governance and contractual structure are compliant with the legal framework within which the Authority operates. Much of this work is still ongoing and legal issues are still to be finalised including the terms of governance arrangements; ensuring the group structure satisfies the new Procurement Regulations; terms of the proposed service regime are enforceable through robust contracts and that the services specifications and payment regimes meet the Authority's requirements.

The Proposed Partner

8. CORMAC was established in 2012 as a wholly owned company by Cornwall Council. Since that time, it has grown considerably, increasing its turnover by an additional £35m per annum, staff numbers have increased by 16% and benefits returned to Cornwall Council to the tune of £20m over 3 years through productivity improvement rebates and from profit on external work. CORMAC operates through two companies: CORMAC Solutions Ltd – which is a Teckal company and CORMAC Contracting Ltd which is a trading company. Both these companies provide a range of services to Cornwall Council. If the decision is taken to establish a joint venture with CORMAC, Cornwall Council would establish a holding company, provisionally known as CORSERV. CORMAC Solutions Ltd and the new joint venture company would be subsidiary companies of CORSERV. A case study on CORMAC is included within the DfT's Highways Maintenance Efficiency Programme and this is listed as one of the background papers.

The New Arrangement

9. The new joint venture company would be a "Teckal Company" which means it is controlled by a Local Authority or authorities and can trade outside that local Authority(s) by up to 20% of its turnover and this has been introduced into law by the Public Contracts Regulations 2015. If services were to be undertaken by such a company there should be no requirement to undertake a competitive procurement process. Instead, the proposed arrangements (especially the arrangements between the new company and CORSERV) would need to satisfy the new procurement regulations.
10. It is proposed that the new joint venture company would provide the current Highways and Fleet Maintenance and Fleet Management services for the Authority. This is with the exception of: flood risk management, transport planning, strategic programme development, definitive map, town and village green functions and assurance processes in relation to traffic regulation orders, parking enforcement, traffic and asset management and highways development control. Energy procurement and highway policy and strategy enquiries would also remain with the Authority. It would be the intention to include the responsibility for managing the Lafarge Tarmac contract in the scope of services to be performed by the new company and at some stage the Civil Parking Enforcement Unit.

11. If the proposals are approved, it is intended that the newly formed company would commence trading from April 2016. The Authority would enter into a 10 year contract with the new company with a possible extension for a further 5 years thereafter.
12. Should the Authority wish to cease the arrangement, the contract would provide that it can be reviewed after 3 years and ended after 5 years on a no-fault arrangement. However, in the event of major performance failure, the contract can be terminated at any time. The contract would contain detailed definitions as to what constitutes major performance failure. If the contract continues beyond 5 years, two years notice would be required to end the arrangement. There would be costs associated with any decision to exit the contract.
13. The principle of this arrangement is that the Authority would lay out what it wants the company to deliver and what resources it can afford to provide – ie outcomes and budget allocation. It would be up to the new company to determine the best way to deliver this – ie the operational practices and procedures, and the how. As now, annually the authority would determine the budget to be allocated for Highways and Fleet, this having been worked up through the negotiation between the County Council and the new company. The company would use budget allocation along with their forecasts of commercial growth to form their business plan for the following year and this would be subject to unanimous sign off by the board. As is the case with Cornwall Council, if the Authority needs to further reduce budgets or change priorities this can be done and the new company would advise on the implications and determine the best approach to deliver the revised service.
14. Staff currently employed by the Authority in Highways services would transfer to the new company under TUPE provisions, i.e. on their existing terms and conditions, including, where relevant, the living wage. It is intended that the company would also have admitted body status to the Nottinghamshire Local Government Pension Scheme (LGPS), and as such, staff transferring to the new company could remain in the scheme. More detail on HR issues is included at Appendix 1.
15. In the longer term the CORMAC Group proposal is to provide the support services to the new company through the holding company CORSERV. This is still subject to further negotiation and compliance with the new procurement rules. On a temporary basis, but for a minimum of 12 months, the intention is for payroll and other HR operational functions and ICT services to be provided by the in-house teams at Nottinghamshire. There may be some staff from other support services who would also TUPE transfer to the new organisation. These staff have yet to be identified, however, it is estimated there would be a minimum of two full time equivalent posts.
16. Public contact to Highway services would remain via the Customer Service Centre, as per the current arrangements, and complaints would also be received by the County Council and dealt with through joint processes. Highways information such as winter maintenance routes, traffic management notifications etc would continue to be sourced through the County Council website and through County Council social media outlets.
17. It is intended that the Authority will retain a contract and performance management team to would oversee and manage the contractual arrangements and the residual functions. Resources would be retained by the Authority to fund this function.

18. Vehicles, plant and machinery, and other assets used to deliver the highways services would remain in the ownership of Nottinghamshire County Council (NCC) and leased to the Company for the remainder of its useful life, however, replacement of assets would be the responsibility of the CORMAC Group.
19. The new company would operate from the existing highways and fleet management bases and where necessary the buildings would be sub-let to the new company who would be responsible for utility charges and other direct service charges for the first 2 years of the contract.

Ancillary Matters

20. CORSERV would make a charge to the new company for support services and a proportionate charge for use of their existing systems and management support as detailed in the table below. Final costs would be negotiated as part of the contract arrangements but indicative costs have been accounted for when calculating the benefits of the proposed arrangements and would be serviced within the overall annual budget allocation.

Estimated Charges payable to CORSERV	£000 p.a.	
Governance Fee	50	
Use of financial system	66	for 4 years
Support Services costs	700	year one

21. The Council will be smaller as a result of transferring staff to the new company. Consequently overhead costs will be spread across the smaller remaining Council. This will result in an increase in unit costs when compared with other authorities until further changes can be made in the medium to longer term.
22. The position with regard to pension liabilities has been considered by a pension actuary. The Council would take responsibility for the historical pension deficit relating to the transferring staff, and the company scheme would commence on a fully funded basis. The company would assume responsibility for any future deficit. There is an annual pension contribution shortfall of circa £175k due to these adjustments. There is the option to obtain a bond to the value of £7.5m to protect the pension position. However, this would be an expensive proposition and an alternative arrangement to agree a joint guarantee between Cornwall Council and NCC would offer similar protection and is being developed. This should avoid the need to fund working capital but would be a potential liability for the Authority should the liability materialise.
23. Each party is meeting its own legal costs. Funds are also available within the Transformation fund for mobilisation estimated to be in the order of £0.6m.
24. There would be some post reductions to meet the savings that are predicated in the Medium Term Financial Strategy (MTFS) as part of the set-up of the Company. Whilst it is hoped that compulsory redundancies can be avoided, any redundancy costs related to former NCC staff up to October 2017 would be the responsibility of the County Council. However, a cap would be agreed with CORSERV to ensure any such costs are affordable and manageable.

25. The County Council would continue to handle insurance claims arising on the highway for the first 12 months of the contract, except where the claim is as a result of a clear failure by the company. Thereafter it is proposed that the new company will take responsibility for such claims (without the Authority delegating its statutory responsibility).

Governance

26. In December 2014, a Member Reference Group was established to consider and oversee the work in relation to the establishment of a Joint Venture Company. It is proposed that this Member Reference Group continues and meets regularly to monitor and oversee the ongoing establishment of the new company. In addition, Corporate Leadership Team (CLT) would undertake regular reviews in accordance with current practice for all Redefining Your Council (RYC) programmes of work.
27. Once the company is established it would be governed by its board of Directors. In order to avoid potential conflicts of interest it is proposed that the Authority's representation on the Board is through Officers not elected members. The Board for the new company would consist of four statutory and voting directors: two non-executive directors from CORSERV and two non-executive directors from the County Council. The proposal is that the County Council non-executive directors would be the Chief Executive and the Section 151 officer. It is also proposed that the new Company's Managing Director and Operations Director would be on the Board. These appointments will be made jointly by CORSERV and the County Council's NEDs. A range of reserved matters would be established in the contract on which unanimity would be required. Appendix 1 provides more detail on this.
28. As detailed above, Cornwall Council would establish CORSERV as a new wholly owned intermediate holding company when authority to establish the new company has been agreed by both Councils. On 12 May Cornwall Council Cabinet will consider a report recommending the establishment of the JV. When CORSERV is established it is proposed that the Chief Executive of the County Council sits on the Board of CORSERV as well as the Board of the new Company.
29. Elected members would receive regular reports, via the Transport and Highways Committee in relation to contract performance of the new company. The County Council will continue to set Highways policy and strategy, will determine priorities and will approve the Highways Capital Programme.

The Benefits

30. The primary benefit from the establishment of these new arrangements would be the long term sustainability of a quality highways service. This would predominantly be achieved by increasing the commerciality of the service. This would include greater cost control and transparency, driving efficiency and productivity benefits, operating in a more agile and flexible way and all linked to access to and use of a well-established and successful commercial bid team. Current estimates of efficiency and productivity benefits rise to circa £3m after 2-3 years. A breakdown of the figures is enclosed at Appendix 2.

31. The company is predicted to increase its external earnings year-on-year up to the maximum permissible, under the Teckal legislation, of up to 20% of its turnover (circa £10M). The forecasted assumption is that the new company would achieve £5m of external income by Year 2. 50% of profits accrued would be returned to the County Council. In addition the company would be committed to share the benefit of further efficiency and productivity improvements through a rebate with the County Council, as CORMAC has done with Cornwall Council.
32. External income would also help to maintain and develop the skill base and sustainability of the overall service, as around 40% of cost is related to staff. This is how CORMAC has successfully grown their business and employment over the past 3 years. With business growth CORMAC have also been able to invest in the development of apprentices (50) and graduate trainees.
33. The delivery of the savings already included as part of the MTFS (£1.1m between 2016-2018), would be the responsibility of the new company and the budget allocation for the new company would reflect these savings. This would be delivered through changes to operational practice and productivity improvements. The savings required by the end of 2015/16 will be made by the current highways division.
34. For this Joint Venture to be successful and viable it is important that all parties derive benefit from the arrangement. For the County Council this would be the sustainability of a quality service and access to commercial knowledge and expertise, for CORMAC it is the ability to grow their enterprise and more cost effectively share capability and resource, for Cornwall Council it is a share of the overall profit derived from the Group.

Other Options Considered

35. The Authority could decide to retain the current in house delivery model but for the reasons set out in the report this is not sustainable in the long term without severe cuts to service provision which would have an operational and reputational impact and may mean that the Authority is unable to fulfil its statutory duty in relation to Highways provision.

Reason/s for Recommendation/s

36. To provide a sustainable way of meeting the financial challenges facing the Highways and Fleet management services while retaining a good level of service.

Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

These are described in the body of the report and at Appendix 2.

Human Resources Implications

Approximately 690 staff would transfer to the new company under TUPE regulations. The transfer will take place in line with legislative requirements and will draw on existing good practice and experience of setting up other arms-length organisations and TUPE transfers of staff.

A number of briefing sessions have taken place with affected staff involving senior managers from the Council and Cormac and HR representatives and a set of frequently asked questions made available to respond to general staff enquiries. Ongoing dialogue with staff and support will continue to be provided in the period up to transfer; with staff having access to the usual range of support mechanisms.

The recognised trades unions have been involved in the staff briefings and meetings have also taken place between NCC, Cormac and trades union colleagues. Trades union representatives from Nottinghamshire have also had separate meetings with trades union representatives from Cornwall; facilitated by the Council.

Public Sector Equality Duty implications

An equality impact assessment has been undertaken and is available as background paper to this report.

Implications for Service Users

As described within the report access by the general public to highways would remain via the CSC, as at present. The new service delivery model would ensure high quality highways services throughout Nottinghamshire for the foreseeable future.

Implications for Sustainability and the Environment

It is not expected that there would be any adverse implications as the Council will retain responsibility for Policy

RECOMMENDATION/S

It is recommended that Policy Committee:

- 1) Agrees to the establishment of a joint venture company for the delivery of Highways and Fleet management services, with CORMAC group.
- 2) Agrees that the target date for the new company to become operational would be 1 April 2016.
- 3) Agrees that the contractual arrangements with CORMAC group, including the establishment of CORSERV as a holding company, will be in line with the arrangements proposed within the report.
- 4) Agrees the Governance arrangements, including the board membership, as set out in the report.
- 5) Delegates to the Chief Executive, in consultation with the Group leaders and relevant officers, the responsibility for finalising the contractual arrangements.

- 6) Agrees that progress reports regarding the arrangements will be brought to Policy Committee as part of the general reporting arrangements agreed as part of Redefining your Council

Tim Gregory
Corporate Director Environment & Resources

For any enquiries about this report please contact:

Constitutional Comments (SSR 08/05/2015)

37. The decisions set out in this report fall within the scope of decisions which may be approved by Policy Committee.

Financial Comments (TMR 08/05/2015)

38. The main financial implications arising from the creation of a Joint Venture Company with CORMAC to deliver Highways services are set out in the report and the appendices. It should be noted that there is significant uncertainty in both costs and benefits, and a number of risks, including around continuing insurance arrangements, which may have unknown but significant financial implications. Some of these may not become apparent until after the contract has begun – others will become clearer during due diligence work. However it should also be appreciated that there would also be significant risks associated with alternative options.

Appendices:

- 1) Information on Governance and HR.
- 2) Costs and Benefits table.
- 3) CORMAC - Working with You brochure

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.

- DfT's Highways Maintenance Efficiency Programme – Procurement Route Choices for Highway Maintenance Services - 2 August 2014

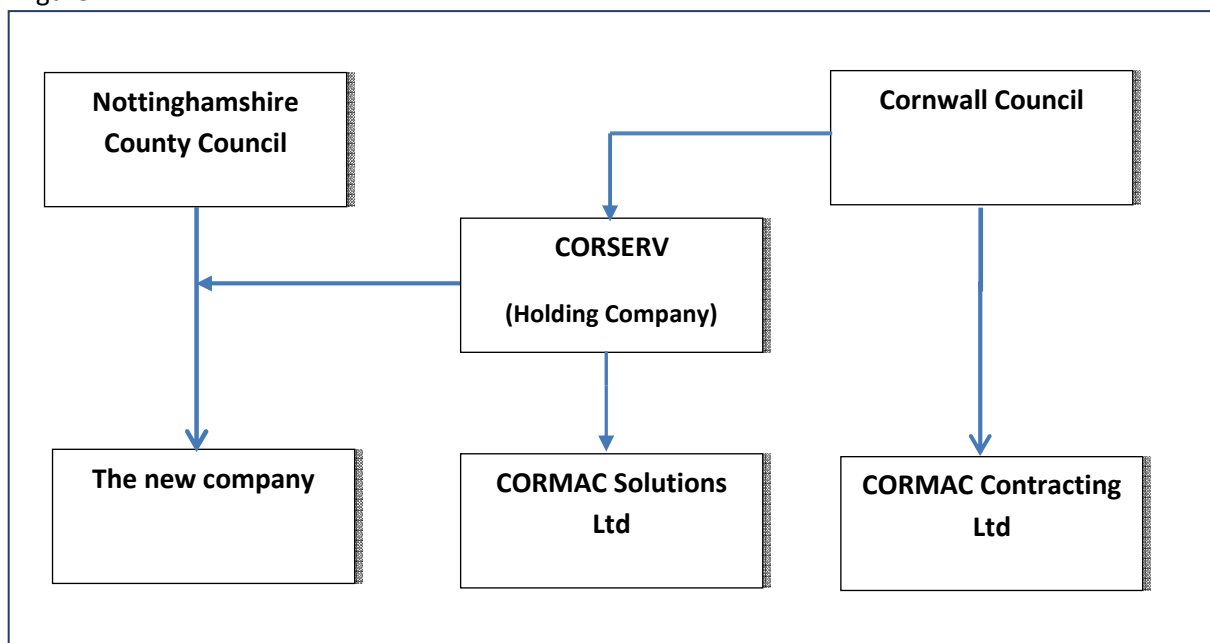
Electoral Division(s) and Member(s) Affected

- All

Governance

1. Once final authority has been given by Nottinghamshire County Council and Cornwall Council for the joint venture company to be established, Cornwall Council would create a company, to be called CORSERV, of which CORMAC Solutions and the new joint venture company would be subsidiaries.
2. The new joint venture company board would consist of four statutory directors – two non-executive directors from CORSERV, two non-executive directors from the Council – and two non-statutory directors who would be the new company managing and operations directors.
3. The board chair would be one of the CORSERV non-executive directors who would also have a casting vote.
4. The new company managing and operations directors would be appointed by a CORSERV non-executive director and a council non-executive director.
5. The new company managing director and operations director would be non-statutory board members.
6. The new company managing director would report to the board chair.
7. The Council would be represented on the CORSERV board by one of the new company non-executive directors.

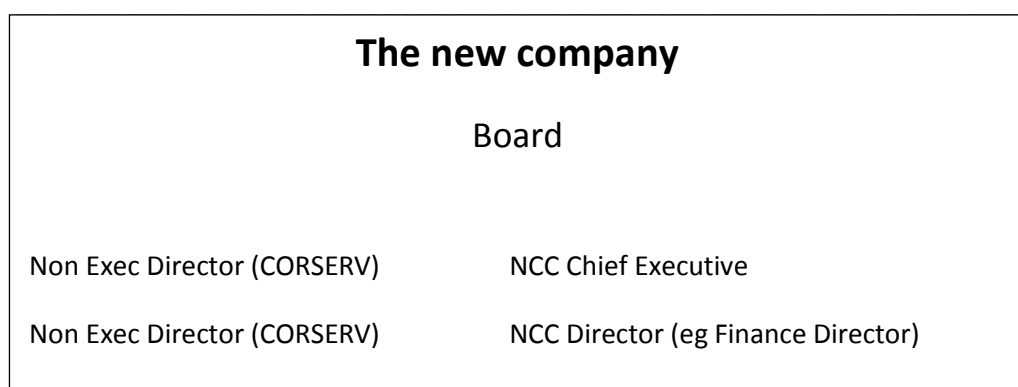
Figure 1



There will be contractual relationships for the delivery of defined services for each of the three companies shown and CORSERV.

8. The new joint venture company and CORMAC Solutions Ltd would be subsidiaries of CORSERV, sharing certain overhead costs and benefitting from the purchasing power of CORSERV.
9. The new company would be 51% owned by CORSERV and 49% owned by Nottinghamshire County Council making it a subsidiary of CORSERV. Subsidiaries are separate, distinct legal entities for the purposes of taxation, regulation and liability. The benefits include having access to the buying power, technical expertise, marketing and employees of the parent company.
10. Ownership is not the same as control. Control of the new company would be exercised in several ways, including through the company board, the service contract and the reserved matters.

Figure 2



11. A set of **Reserved Matters** – activities which cannot proceed without unanimous shareholder approval – would be enshrined in the Joint Venture contract. These would include controls on:
 - Expenditure
 - Acquisition and disposal
 - Entering into contracts
 - Loans and financing arrangements
 - Altering or ceasing business
 - Guarantees and indemnities
 - Shareholdings
 - Branding / intellectual property
 - Corporate matters
 - Appointments and remuneration of directors
- Example: the new company would not be permitted to take a loan above a certain threshold (to be agreed) without seeking unanimous shareholder approval, thus enabling the Council to exercise control over the level of risk-taking by the company.
- Example: The requirement for unanimous shareholder approval before the company could establish new contracts above a threshold (to be agreed) would enable the Council to exercise control over the company's business links.

12. Through the Transport and Highways Committee, the Council would also:

- Set highways policy
- Receive quarterly performance reports
- Approve the network capital programme

13. A key consideration in setting up the joint venture would be quality of service. The performance required by the Council would be described in the service contract between the Council and the company, in the form of a service specification including performance measures, customer satisfaction levels and suitable mechanisms for non-performance. The company would be required to provide periodic reports to the Transport and Highways Committee on its operational and financial performance, ordinarily presented by the managing director.

Human Resources

1. **Engagement with staff and unions:** Following the Options for Change paper, an initial staff and union consultation was undertaken. Staff briefings were also undertaken. A regular communication has been introduced using the Emailme system which includes providing answers to staff and union questions. Engagement would continue throughout the process of transition.
2. **Employee roles and numbers:** This project would affect approx. 690 direct employees (approx. 580 FTEs) of the Council who would transfer to the new company. The transfer would apply to employees at all levels and may include some employees who do not work in Highways Division and Fleet Management / Maintenance. The exact cohort to transfer would be identified as part of the implementation plan and any changes tracked in line with TUPE regulations.
3. **TUPE:** The Council would comply with TUPE regulations. Transferring employees would be directly employed by the new company. Their current terms and conditions of employment would be protected in accordance with the TUPE Regulations 2006 (and amendments).
4. **The Living Wage:** The Council adopted the Living Wage for direct employees from April 2014 and requires this provision to be protected under future service delivery models. It would also be paid to new employees of the company. These requirements would be enshrined in the joint venture agreement. Payment of the Living Wage is not extended to indirectly employed staff, suppliers or contractors.
5. **Alternative terms and conditions:** Notwithstanding the Living Wage, new employees would join the new company on Terms and Conditions to be decided by the company. These would be available for existing employees to transfer onto should they wish.
6. **Pension:** The new company would apply for admitted body status into the Nottinghamshire Local Government Pension Scheme with existing scheme members continuing and existing employees who are non-scheme members retaining their right to join at a later date. It is intended that the scheme would be open for new employees but on a discretionary basis.

7. **Pension deficit:** The Council would take responsibility for the historical deficit and the company scheme would commence on a fully funded basis. The company would assume responsibility for any future deficit. The contribution rate is expected to rise from 13.2% of payroll to 14.6% of payroll based on a guideline valuation undertaken in Dec 2014. A further valuation would be undertaken once the TUPE list has been compiled. There would be no effect on the contribution rate for employees.
8. **Contribution rate:** The future service contribution rate of 13.2% for the Council is not expected to alter significantly and it would continue to meet all of the monetary deficit contributions of approximately £13 million.
9. **Company pension:** As an alternative to the LGPS scheme, the new company would make available the CORMAC group pension scheme to existing employees, whether members of the LGPS scheme or not, and to new employees. The company scheme operates on the principal of a 6% contribution by the employee and 6% by the employer. To encourage employees to start saving, there is provision for employees to make a contribution of 3%, but the company always contributes 6%. If an employee wishes to contribute more than 6% this is done in consultation with the group's pension consultant.
10. **Employment Policies:** The new company would have a set of employment policies, including disciplinary and grievance procedures, health and safety policies, pay and pensions, working time, attendance, equality and diversity, bullying and harassment, security. Following TUPE transfer existing terms and conditions of employment will continue to apply to transferring staff unless they chose to move to different terms and conditions.
11. **Local employment and training:** As far as possible the new company would employ local people and locally based SMEs, thereby contributing to the local economy. It is acknowledged that investing in a skilled workforce would pay dividends, so training including technical and management skills would be a central plank of the new company business plan. A training and development programme would be created in conjunction with the joint venture partner to begin to deliver cultural change early on in the lifetime of the company.
12. **Flexibility and reward:** The new company would seek to increase direct employment. Freed from organisational restrictions (e.g. on rewards and flexibility to employ) it would be able to create reward packages linked to performance for key roles, subject to compliance with Equal Pay legislation. Following TUPE transfer existing terms and conditions of employment will continue to apply to transferring staff unless they chose to move to different terms and conditions.
13. **Management skills:** The joint venture partner would bring expertise and ideas to the new company which would contribute to the cultural change required. Managers who transferred into the company from the Council would be expected to embrace change, extend their skills, provide leadership and become role models for the values of the company. Where necessary additional skills were not available internally, the company would seek these from the marketplace at the earliest opportunity.

Estimated benefits to be found by JV company

Benefits and costs are total not incremental

	16/17	17/18	18/19	
	£'000	£'000	£'000	
Staff	880	1,463	1,463	Some of these relate to efficiencies and redeployed staff
Non-staff	382	382	442	
External contracts	165	935	935	
Income	190	700	700	
Total	1,617	3,480	3,540	

Estimated additional costs/savings/reinvested income in NCC as a result of the JV company

Costs to be recovered via the contract (rebate) or base budget adjustment

Contract / performance management	385	385	385	Estimate
Finance post TUPE saving	-80	-80	-80	Offsets internal operating support staff below*
Recharge for ICT services	-400			Only applies while NCC ICT services purchased. Actual value uncertain. Reinvested in Highways budget while it exists
Total	-95	305	305	

Costs internal to JV company

Support services provided by Corserv	765	1,000	1,000	Negotiable and internal to JV company offset by HR charge
Company governance	50	50	50	Negotiable and internal to JV company
Additional pension contribution	175	175	175	Estimate based on initial actuarial report
Amortised finance system set-up costs	66	66	66	For 4 years only
Internal operating support staff	130	130	130	In most/all cases this will be offset by savings in NCC support costs*
Cost of ICT support	400	400	400	Actual cost unknown. In yr 1 to be provided by NCC. Any charge above marginal cost will be matched by an increase in turnover
Cost of HR & payroll	35			Amount unknown. Cost will be deducted from CORMAC service charge
Microsoft licence costs	21	21	21	Estimated due to loss of eligibility for Microsoft Enterprise Agreement
Total	1,642	1,842	1,842	

Overall net benefit	70	1,333	1,393	Estimate of net benefit generated by the JV company
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MTFS budget reduction to be met through efficiency savings generated by company

300 1,050 1,050

Does not include £643k base budget adjustment already planned for 16/17 (100% revenue)

It should be noted that all these estimated benefits and costs are subject to further work to verify and refine, and a number of the costs require further negotiation with CORMAC. There may be additional efficiencies still to be identified both within support services and the current Highways service. Consequently these are indicative of the overall financial benefit.

Working with you





Arthur Hooper
Managing Director

Executive Summary

CORMAC is proud to employ the people at the forefront of the services you use each day - whether it is the roads, schools, parks or the beaches. In fact almost everybody in the South West will benefit from at least one of our services today.

Today CORMAC is one of the most highly-regarded, trusted and well-known companies in the South West. We are committed to delivering cost-effective and innovative solutions which add value to our communities, clients, partners and people.

We have ambitious plans to continue to grow to safeguard our financial stability and long-term security to ensure we can continue to invest in the things that matter to us and our customers.

We build long-lasting relationships with our customers, listening to them and working alongside them from start to finish, to deliver tailored solutions which not only meet their needs but also support our local communities.

Our back office expertise underpins all our services, meaning we have the ability to design services and then deliver them. With one of the broadest range of services in the south west, we are also able to offer stand alone or bundled solutions for clients.

Our strength lies in seeing every aspect of a job through to completion, using all the knowledge, innovation and best practice at our disposal.

We also take pride in investing in our employees and actively support and develop the people who work for us. We are committed to future proofing our business and our industries by building the teams of the future. We run dedicated graduate and apprenticeship programmes helping young people to gain life skills for tomorrow.

'Putting safety first' is one of our core objectives and at CORMAC we embed a health and safety culture that promotes safe working practices. Nothing is more important to us than protecting our employees, customers, suppliers and members of the public.



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1. Our background

CORMAC has created value by working in partnership with our clients to drive down costs, whilst still improving services. We also work with our communities and the voluntary sector to build capacity for resilience, self-sufficiency and safer communities, and engage and invest in our workforce for long-term success.

It is our intention to increase added value in 2015/16 by continuing to deliver desirable outcomes for our communities, working with small and medium enterprises and contributing to economic growth by supporting people back into work and enhancing skills in the workforce.

We provide highway and environmental design and maintenance services, design and construction of major highway schemes, and facilities services including property maintenance, cleaning and caretaking services. CORMAC also provides fleet management and maintenance, quarried stone and aggregates and laboratory services. We deliver these services to Cornwall Council, other public bodies and a portfolio of private clients including major civil engineering contractors and consulting engineers.



We exist to add value to the community and we have been very successful in doing this.



For every £1 we spend £0.86 is re-invested back into the economy where we operate.



Our journey of becoming a limited company started in August 2009 when Cornwall Council (the Council) commenced a review of services provided by its Neighbourhood Services Directorate.

The review sought to combine service delivery, which culminated in bringing the operational elements of transportation, waste and environment into one service by mid-2010. In April 2011, the newly-created operational part moved into the Communities Directorate thereby splitting the strategic client from the operational delivery team.

In July 2010 the Council declared that it would become a commissioning authority and would consider how the direct services it provided at that time should be delivered in the future.

This led to senior managers in both the client and service provider considering how the then 'in-house' service delivery model would look in the future taking into account Cornwall's geographical isolation.

In December 2010 we embarked on a process of review, challenge and considered contemplation as to the best method of delivering the services that had been previously scoped and included in the 2010 consolidation exercise.

The services included in the 2010 consolidation were the following:

- school crossing patrols;
- highway maintenance;
- environment including grounds maintenance ;
- street cleaning (part);
- domestic Waste Collection (part);
- beach cleaning;
- property Cleaning;
- property Maintenance ;
- design consultancy;
- quarry operations; and
- fleet management and maintenance.



During 2011, the new client team and the operational delivery team considered the available options and the client decided to put the domestic waste collection and street cleaning elements to the market. This was won by Cory. The in-house operational team came second with a resultant loss of income and committed staff.

This was a clear message to the delivery team that the status quo was no longer an option and that we had to address quickly what was seen by some as a delivery model not offering good value.

Therefore from our initial considerations in December 2010 we developed and fine tuned a suite of options. Through a peer challenge gateway process and preparation of detailed business cases, we concluded that setting up a Council-owned company trading under the Teckal exception would represent the best option for Cornwall.



Through working together and standardising,

this year alone we will achieve a saving to the Council in excess of £1m.

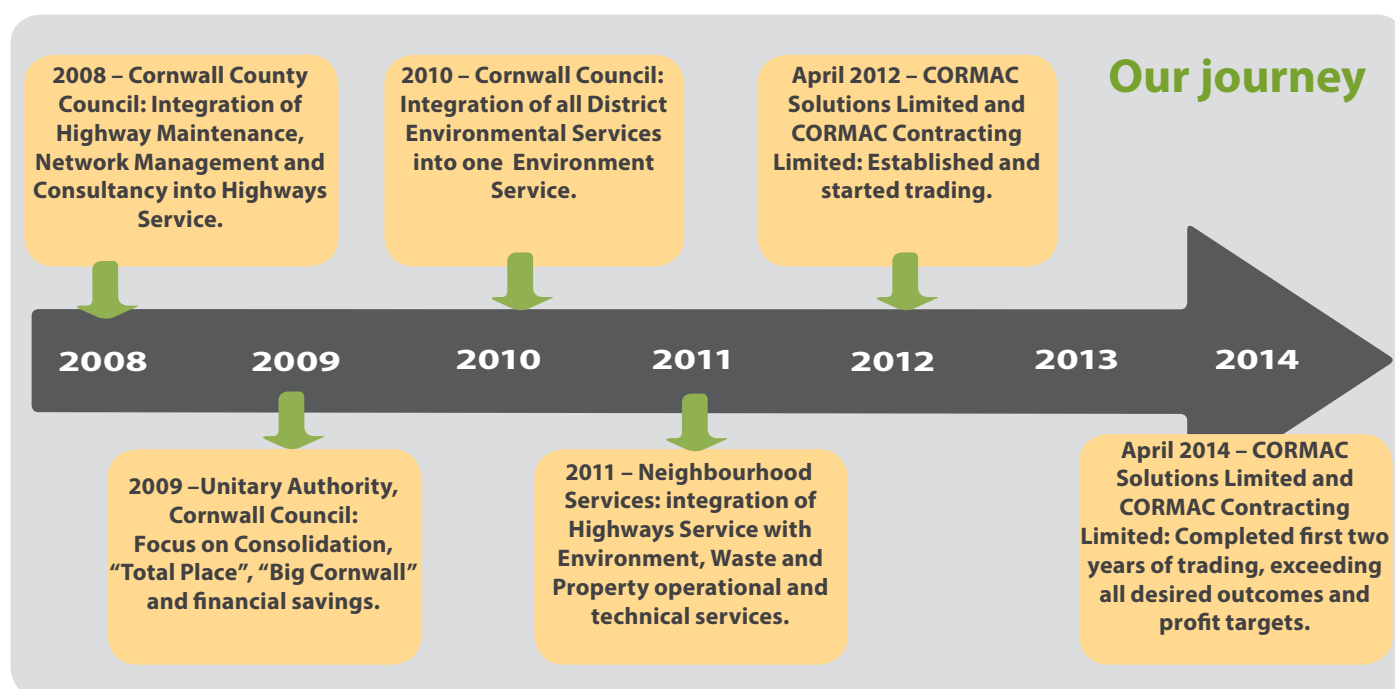


After three years of trading CORMAC has made a significant contribution to the Council's saving

Under this arrangement a significant amount of work would be passported to the new company. In July 2011 this was presented to the Council and approval was obtained to move to the implementation stage with CORMAC Solutions Limited (CSL) decoupling from the Council on 1st April 2012.

(It should be noted at this stage that the gateway process did show that the amount of external work available to the new company could not exceed that allowed under the Teckal exception. For that reason we also set up a second company, CORMAC Contracting Limited (CCL), which is not a subject of this paper as the host Council does not passport work to that company, CCL was set up under Section 95 of the Local Government Act 2003).

From July through to April 2011 an implementation programme was developed to prepare for the new company. This was completed in the winter of 2011/12 with CSL commencing trading on 1st April 2012.





2. Why choose CORMAC for Nottinghamshire

CORMAC has been delivering highway services through a competitive arrangement since 1992 and has extensive experience in this area. We are the right joint venture partner for the NCC Highways business. This experience and the successful outcomes we have delivered in Cornwall are directly transferrable to Nottinghamshire. Our public sector service ethos combined with our tight commercial focus will enable us to deliver a robust highways business capable of competing with established private sector competitors in the region.

We will after a comprehensive review, introduce a new organisational structure that will place responsibility and accountability where it is needed. Teams will have clear targets to achieve and be empowered to meet those targets.

When we introduce new ways of working, and specifically our Hub work allocation processes, coupled with our financial management system Summit, the empowerment of the teams will help us respond more quickly and deliver work to a higher standard. We will also introduce two other top-end construction industry systems, Causeway and Entropy, therefore driving down management costs to NCC.

Getting jobs right first time, every time, will reduce the cost of remedial tasks and also free-up management time to focus on innovation and performance improvement in other areas. A key component of this will be the introduction of commercial accounting principles to the business. Our strong Commercial expertise in finance, estimating and cost value reconciliation (CVR) and the use of Commercial management accounts, reported in near “real time”, will give managers the information they need to control their business and react in a timely way.

In Cornwall, our managers understand the true cost of each task and because of our commercial focus they work hard to keep our cost base down whilst delivering work at the quality the customer demands. We will bring this focus to the management team in Nottinghamshire. And with this focus on the costs of the business we will reduce waste and inefficient practices. We will assist in the development of a revised Highway Service Maintenance Plan and ensure that we deliver the service to match it. This focus on delivery will help us drive down the annual £1.6m insurance cost of Highways claims made by the public.

We expect to be able to drive out significant savings from the £11m pa Lafarge Tarmac contract and through the buying power of a much larger combined organisation drive similar efficiencies as we procure materials and services from others. With a much-enhanced design and consultancy capability there will be further opportunities to drive savings and improved output.

Nottinghamshire County Council is fortunate to have a committed and well trained work force in the business and we will provide the opportunities for them to reach their potential. As Highways specialists we will introduce a company-wide training programme that is focused on the needs of personnel in that sector. Our programme will start at apprenticeship level, through supervisory and management grades and up to and including Directors. There will be opportunities for individuals’ careers to develop at a pace that suits not only the needs of the Group but at a place to suit the individual.

The Teckal arrangement allows the business to exploit any efficiency it introduces and compete in the wider market. Our growth focus will be in adjacent and near-adjacent public bodies including local authorities, housing associations and the Highways Agency. Teckal allows the business to trade up to 20% of its revenue externally and this represents £8m based on a £40m annual turnover. Our initial market analysis indicates that with our current South west success rate there is more than enough work in the region for us to reach this target in the first five years of operation. Nottinghamshire will share in the profits that this new business will generate. Our bidding expertise will be a key factor in securing this work.

In all that we do, Safety is paramount. Since CORMAC was established three years ago our H&S performance has improved and that trend continues. We will ensure the joint venture has a similar focus.



3. Why the need to change

The challenge

Amid turbulent economic conditions, the public sector is expected to come up with drastic cost savings, widespread efficiencies and innovative ways of working, while avoiding a major impact on the communities they serve. Politicians of all parties agree that the public and private sectors must work more closely together to help steer a course through today's tough economic conditions.

About £170m of savings have been made at Cornwall Council since 2009 whilst for the most part, protecting front line services. It has been innovative and adopted new ways of working including setting up arm's length companies to trade and generate income.

However, grant funding from the Government is expected to be cut by approximately 30% over the next four years which, coupled with rising demand and costs, intensifies the financial challenge. An effective response to this challenge will mean increasing diversity in the way we provide public services and support for communities to play a bigger role in shaping and providing services.

Many authorities are facing up to the reality of further cuts in service budgets. Having already trimmed, reshaped, redesigned and refocused, the fundamental truth is that there is still much more that needs to be done and it's getting tougher.

Future cuts in service are bound to leave gaps of unaddressed demand. With eligibility criteria tightened, the demand remains but the provision isn't there.



For Cornwall doing nothing was not an option



Facilitates individual and shared services improvement models – more accountability and greater efficiency



A desire to build on a public sector ethos by keeping the new company aligned to the Council service strategy



Financial driver – dividend/rebate return to Council for reinvestment



Financial pressures and need to transform service delivery but with minimal impact on front-line services;



Our number one priority is to deliver services for Cornwall Council and to ensure that those services are aligned to the Council's vision, priorities and business plan



Political drivers – CC wanted to maintain control and after studying other similar Authorities and did not consider outsourcing an option



Creating Employment Opportunities/supporting SME's



4. CORMAC today

As explained previously CORMAC is designed, through its two companies, to deliver value-added services for the Council and to trade in the open marketplace.

What makes us successful

- We are built on a model of successful income generating company wholly owned by the local authority;
- Employees are instilled with the importance of taking an entrepreneurial approach to service delivery;
- Priority has been given to maximising the impact of CORMAC on the local economy;
- We have over 50 apprentices and continue to develop the skills in our workforce;
- We have a performance culture which breeds innovative solutions;
- We generate income to reinvest into local services.



Why we are different

- Not private or public but the best of both worlds;
- We offer the best of the commercial and the Council models;
- We take on the risk and financial accountability;
- We can offer cost savings improved services; and
- Long term stability and security.

What we have achieved

- In three years we have doubled our turnover and returned nearly £12m to our shareholders;
- Kept our staff and increased job opportunities by 17%;
- Our successes in tendering last year resulted in winning £11.2m out of a possible £18.7m of work in 2014/15;
- Reduced the management structure by 22%;
- Increased our client base significantly; and
- Ensured we returned our dividend to the Council which they have been able to reinvest into services.

What are the benefits

- Good staff incentive to succeed resulting in higher salaries, bonus payments and share options;
- As a wholly owned company local authority Members can easily remain actively engaged;
- All profits are returned to the council in the form of a dividend or rebate which allows the council to reinvest in other services;
- Accesses skills and resources of the private sector;
- The structure has an indefinite life and will provide the basis for capturing long term value and relationships; and
- Limit the liabilities of the authority.

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5. Our future

We have to move forward, develop and improve as a company in the coming years if we are to achieve long term sustainable success. There are a number of areas that we will focus on to continue to remain competitive and drive company change, as set out below:

Meeting our Shareholder and Council Client expectations

We exist to add value to our Shareholder. We have been very successful in doing this over the last three years and have achieved a turnover of over £110m. By managing costs, improving productivity and widening our customer base, we will also be returning nearly £7 million to our Shareholder in 2015/16 and a similar sum in 2016/17. This will help them in meeting budget pressures and support frontline services for the residents of our communities.

Grasping new opportunities, maintaining business flexibility and recognising where we need to diversify in order to adapt to changing circumstances and markets

In terms of moving the business forward, we are seeing a stronger national construction and building industry, linked to a reducing revenue spending at the local authority level. As a result, our 'Collaborative Teckal' opportunities continue to develop. Furthermore a number of national investments relating to the Cornwall and Isles of Scilly Local Enterprise Partnership 'Strategic Economic Plan' and 'Growth Deal' have been announced and the start of the new EU investment programme is anticipated.

We continue to win contracts across the South West, which is bringing added financial value to our business and our Shareholder at a time when budgets within Cornwall are reducing.

Delivering business efficiencies

We have continued to work with staff to increase productivity and ensure we are focusing our efforts on our priorities. In support of this, we are introducing new technology to ensure mobile staff have access to information and the resources they need in a timely manner. This will also help improve the utilisation of vehicles and plant.

Brand awareness and presence - selling our expertise and ensuring our brand and what we can offer is fully understood

We have grown significantly since our inception and provide many more services than the people of Cornwall may know about. It is important that we build a lasting relation with our public, who consume many of our services, and also builds sustainable relationships with our supply chain.

Building on organisational change

Of course we could not do this without our committed staff and we continue to invest in them. This will ensure that our people, at all levels, are: encouraged to maximise their potential; to contribute to our future success as a business; and to add value to our communities in a socially responsible and sustainable way.

We still remain very passionate about making a meaningful positive impact on our communities and our added value of our engagement with partners and our local communities in which we operate.



We will work in collaboration with local communities, local groups and the voluntary sector to provide new innovative solutions



We are seeking to build and maintain good long term relationships with our stakeholders including our staff, the Council and our public



6. Our credentials

We pride ourselves on the quality of our services and ensure that safety and sustainability are embedded in our delivery model. This is underpinned by the application of an integrated management system, which incorporates the maintenance of nationally recognised industry standards.

CORMAC has successfully been accredited to the ISO 9001 Quality Standard, the ISO 14001 Environmental Management Standard and the OHSAS Occupational Health and Safety Standard for over ten years. We have also been successful in more recent times in achieving Investors in People (IiP), demonstrating how much we value our people and our commitment to our extensive workforce. This ensures that regular internal and external audits are carried out on all aspects of our work.

Our credentials are dependent on our people's commitment and the highly skilled workforce we have delivering our services. Our staff surveys have consistently shown that 84% of CORMAC's people are prepared to go the extra mile and are committed to delivering CORMAC's vision.

We have also been fortunate to have attracted, developed and retained people and teams who have some of the best qualifications and experience in the industries in which we operate. This has proved important in what has become a very competitive employment market in the last twelve months and is expected to remain so well in to the near future. CORMAC credentials are proving to be at least as good as our larger competitors and this puts us in a very credible position for the future.



CORMAC has a strong track record of working proactively in partnership with local government authorities.



We work in collaboration to provide new innovative solutions

Jobcentre Plus - Case Study

CORMAC has worked with Jobcentre Plus for the past 2 years providing eight week 'work experience' placements in a number of our operational and community activities. A number of individuals engaged through this programme have since joined existing teams within our Company.

This has offered those seeking employment the unique opportunity to gain valuable work experience and to develop important skills for the workplace whilst also gaining an insight into working for a large local employer.

Martin Williams, Employer Engagement Manager for Jobcentre Plus, said:

"CORMAC have been champions of our work experience programme and this has given many jobseekers the chance to gain new skills, an up to date reference and a chance to get back into the routine of work. Work experience has been a highly effective springboard for jobseekers to return to work."





7. What people say about us



I recently had the pleasure to visit Cornwall for a holiday. I am compelled to write to complement you on the quality of your roads - I'm sure they must be the best in Britain! Not only were they well maintained and smooth but I found the road markings and signage clear and extremely helpful to a visitor. In addition, where two lanes were provided there were clear signs to direct motorists to 'merge in turn' thus avoiding the road rage I often experience in other locations. We were blessed with beautiful weather while we were in Cornwall which helped to make our holiday complete. You can be sure we will return. Thank you and well done. David Ashcroft, Wigan



I would like to express our gratitude on behalf of the residents of this area for the efficiency with which the resurfacing work at Par Green/Moreland Rd, Par was carried out. Through careful planning and the expenditure of a little bit more work in installing temporary ramps an excellent job has been done in a very difficult location with far less inconvenience to road users than any of us thought possible. Would you please pass on my appreciation to all involved in the planning and execution of this work. Councillor David Hughes



Thank you so much for your help with regard to cleaning the edges of the road at Gwennap Churchtown. Please would you also thank the driver of the big yellow sweeper, he seems to have uncovered an extra three or four feet of road width in parts. It does restore our faith in human nature when someone goes the extra mile to help. Once again my sincere thanks. Murray Smith



Wow! what superb service! I was surprised and delighted when out in the car this afternoon to see the pothole had been filled in less than 48 hours from me emailing you! Ted Moore
Please convey my thanks and the gratitude of the residents of Henwood to your team



I would like to thank all CORMAC's staff for all their hard work and dedication in ensuring CORMAC remains successful in times of challenge and uncertainty for local government. They have continued to provide job opportunities for the people of Cornwall. Currently employ in the region of 1,650 people, which includes fifty apprentices, technicians and graduates - benefiting both companies' growth strategy and the local economy.

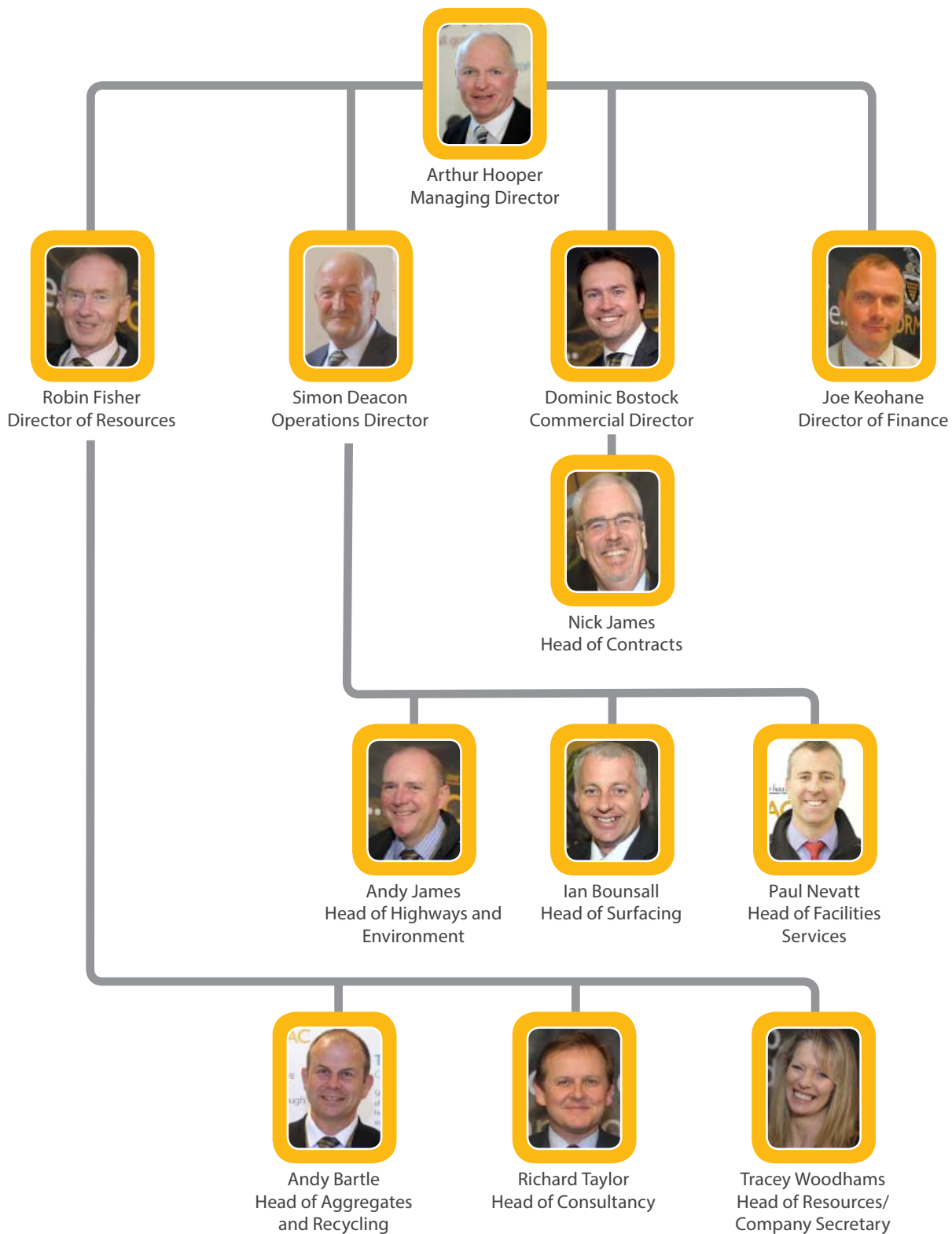
Paul Masters Assistant Chief Executive



I just wanted to say thank you to you and the team who look after our grounds here at St Maddern's. The team does a great job and our grounds are looking great and I wanted you to know how pleased both the governors and myself are about this.



8. Our senior management structure





Collaboration delivers significant cost savings



Accesses skills and resources of the private sector



Ability to enter into other contracts and generate other income from external sources and deal in assets



Public sector ethos with commercial strength



It is our corporate responsibility to ensure we operate in a safe, sustainable manner that is socially responsible and respectful of the environment.

CORMAC Solutions Ltd and **CORMAC** Contracting Ltd
Head Office, Castle Canyke Road, Bodmin, Cornwall PL31 1DZ

Tel: 01872 323 313 Email: customerrelations@cormacltd.co.uk
www.cormacltd.co.uk



CORMAC Ltd



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REPORT OF CHAIRMAN OF PLANNING AND LICENSING COMMITTEE**LOCAL ENFORCEMENT PLAN – THE COUNTY COUNCIL’S GUIDE TO
MONITORING AND ENFORCEMENT****Purpose of the Report**

1. To advise Members of the new Local Enforcement Plan as set out in the Annex to this report and seek their approval to adopt the Plan as Nottinghamshire County Council policy and a formal replacement to the Monitoring and Enforcement Policy and Protocol.

Information and Advice

2. In February 2009 the Council’s Monitoring and Enforcement Policy and Protocol was published. The proposed Local Enforcement Plan represents an update to this document and once adopted will replace it as Council policy. The Local Enforcement Plan sets out what site monitoring and enforcement service that businesses and the public can expect from Nottinghamshire County Council as a Local Planning Authority. The Plan sets out the Council’s approach to dealing with alleged breaches of planning control and secondly, its proactive role in periodic inspection of minerals and waste sites within the County.
3. The Plan has been published in response to the National Planning Policy Framework (NPPF) which states that *“Local planning authorities should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”*.
4. Members of the Planning and Licensing Committee endorsed the Local Enforcement Plan at Committee on 28th April 2015. Once formally adopted the Plan will be available on the County Council’s website to view and download.

Key changes and updates

5. The proposed publication of this Plan follows the recommendation of the NPPF which states that Local Planning Authorities should consider publishing a Local Enforcement Plan. The main changes and updates from the Monitoring and Enforcement Policy and Protocol contained within the Local Enforcement Plan are follows:
 - The Planning Policy Guidance on ensuring effective enforcement published by Department for Communities and Local Government (DCLG) in March 2014 provided

further detail and clarity on enforcement breaches and the enforcement powers available. These have been incorporated into the proposed Plan.

- Some changes to the enforcement regime have been brought in by the Localism Act 2011 and these came into force in April 2012. This involved a reduction in the options available to challenge enforcement action relating to unauthorised development. Under the new restrictions the Council now have the power to decline retrospective planning applications if an enforcement notice has been issued. The Localism Act also introduced new powers (Planning Enforcement Orders) to tackle breaches of planning control, both unauthorised uses and developments that are deliberately concealed.
- The implications of the Human Rights Act are incorporated into the Plan. In some instances there is clear public interest in taking rapid enforcement action to address serious breaches of planning control; however it is essential that the Council acts proportionately in responding to suspected breaches of planning control.
- In terms of monitoring minerals and waste sites the Local Enforcement Plan contains details of the current level of monitoring fees which are £331 for active sites and £110 for dormant sites. These fees are nationally set and have increased from £288 and £96 respectively. Since 2009 the number of mineral sites within Nottinghamshire which fall within this charging regime have increased from 60 to 82 and the number of waste sites has decreased from 15 to 8.
- The schedule of the monitoring and enforcement legislative and policy framework in the Plan has been updated.

Other Options Considered

6. The alternative to not adopting this Local Enforcement Plan is that the County Council's existing protocol would not be updated in line with the NPPF recommendation and not reflect the latest changes to the enforcement regime.

Reason for Recommendation

7. To inform Members of the need to update the Monitoring and Enforcement Policy and Protocol in the light of changes that have come into effect since it was published and to seek Members' approval of the Local Enforcement Plan to enable it to become Council policy.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

9. There are no direct financial implications arising from the publication of the Local Enforcement Plan. However, to properly carry out the monitoring and enforcement service set out in the Plan this requires the retention of a Monitoring and Enforcement team.

Human Rights Implications

10. The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial), Article 8 (Right to a private and family life) and Article 14 (Prohibition of discrimination) are relevant when considering enforcement action. Planning Practice Guidance advises that there is clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether to take enforcement action Nottinghamshire County Council will, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

Implications for Service Users

11. It is considered that the proposed updated document will assist users by containing more current and accurate information.

RECOMMENDATION

- 1) It is RECOMMENDED that Members approve the Local Enforcement Plan (attached as an Appendix) and adopt it as Nottinghamshire County Council policy and a formal replacement to the Monitoring and Enforcement Policy and Protocol.

John Wilkinson
Chairman of Planning and Licensing Committee

For any enquiries about this report please contact: Jane Marsden-Dale

Constitutional Comments (SLB 30/04/2015)

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

Financial Comments (SES 11/05/15)

13. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

None

Electoral Division(s) and Member(s) Affected

All

LOCAL ENFORCEMENT PLAN

Nottinghamshire County Council's Guide to
Monitoring and Enforcement

Adopted XXXX 2015

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CHAPTER ONE - INTRODUCTION

- 1.1. Nottinghamshire County Council is firmly committed to delivering an effective and proportionate planning control service which is fair and transparent to applicants and the wider community alike. This Local Enforcement Plan has been prepared in accordance with the guidance set out in paragraph 207 of the National Planning Policy Framework which states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. Local Planning Authorities should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 1.2. The need to produce this Local Enforcement Plan has become necessary following the publication of the National Planning Policy Framework and the associated Planning Practice Guidance, changes brought in by the Localism Act and the need to incorporate implications of the Human Rights Act. As such this Local Enforcement Plan formally replaces the County Council's Monitoring and Enforcement Policy and Protocol which was published in February 2009.
- 1.3. The Local Enforcement Plan sets out what enforcement and site monitoring service that businesses and the public can expect from Nottinghamshire County Council as Local Planning Authority. The Plan sets out the Council's approach to dealing with alleged breaches of planning control and secondly, its proactive role in periodic inspection of minerals and waste sites within the County. The Plan is an electronic document which may be viewed and downloaded from the County Council's website by following the link below:

<http://www.nottinghamshire.gov.uk/thecouncil/democracy/planning/monitoringandenforcement/>

CHAPTER TWO - OVERVIEW

Key points on planning enforcement

2.1 Monitoring and enforcement are key elements of County Council development management. The long-term and potentially intrusive nature of minerals and waste development requires specialist monitoring and control. The County Council has a statutory responsibility for enforcing planning control in the public interest, in order to protect public amenity, and to ensure protection of the environment. There are some key factors relating to enforcement work which are set out below:

- enforcement action is a discretionary power available to the Council and the decision to take formal action must always be well founded. Enforcement powers are only used by the County Council where it is expedient and in the public interest to do so, having regard to the development plan and other material considerations.
- any action taken will be proportionate to the scale of the breach of planning control. The approach will be based upon the specific circumstances of the individual case, taking into account damage or potential damage to the natural or built environment, public amenity and safety.
- enforcement is one of the most complex areas of the planning system and often breaches of planning control can take many months, or even years, to fully resolve.
- notwithstanding regular monitoring by the Council, the public including local groups have a vital role to play in reporting potential problems to us to be investigated further.

Breaches of planning control are not a criminal offence unless the breach relates to works to a listed building, a protected species or involves the failure to comply with a statutory notice.

Human Rights implications of enforcement action

2.2 The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial), Article 8 (Right to a private and family life) and Article 14 (Prohibition of discrimination) are relevant when considering enforcement action. Planning Practice Guidance advises that there is clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether to take enforcement action Nottinghamshire County Council will, where relevant, have regard to the potential impact on the health, housing

needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

Possible breaches of planning control

2.3 Planning permission is required for most types of development with certain exceptions. Sometimes work commences without planning permission or is not carried out in accordance with the conditions of a planning permission. The County Council will investigate all complaints concerning potential breaches of planning control regarding minerals and waste development and those relating to its own developments. Breaches of planning control include the following:

- work undertaken without planning permission,
- an unauthorised change of use of a building or piece of land,
- non-compliance with plans approved by a planning permission,
- non-compliance with conditions attached to a planning permission.

2.4 If a breach of planning control is confirmed, the County Council will initially try to resolve the issue by negotiation and informal action with the land owner, developer or other relevant party. Where appropriate, this may include inviting a retrospective planning application. Where a satisfactory outcome cannot be reached through negotiation formal action may be pursued. Paragraphs 2.6 – 2.16 below set out the various enforcement tools available to the Council.

Time limits for taking enforcement action

2.5 In certain instances the Council is unable to take any action when too much time has elapsed since the unauthorised work or change of use was carried out. There are two time limits laid down in Section 171B of the Town and Country Planning Act, 1990. These are as follows:

- a four year limit applies to “unauthorised operational development” which includes building works, engineering, mining or other operations and
- a ten year limit applies to all other development, such as a change of use or a breach of condition.

If it can be shown that a breach has continued for the above time period, and no enforcement action has been taken within that time, then the development will be immune from enforcement action. However, in cases relating to “concealment” the Council is able to take action even after the above time limits have expired. This new provision, which came into force in April 2012, was introduced by Section 124 of the Localism Act. Paragraph 2.16 below sets out this provision in more detail.

Enforcement powers

- 2.6 There are a variety of enforcement and regularising powers available to the Council to deal with breaches of planning control under the Town and Country Planning Act 1990. In all instances the most appropriate action will be chosen based upon the specific circumstances of the breach. Enforcement action will be proportionate to the breach of planning control and will only be taken when it is expedient to do so. Where relevant this will involve prior liaison with the Council's legal advisers. A summary of the main powers are listed below, which are, with the exception of retrospective planning applications, only applicable to minerals and waste activity. For breaches of planning control in respect of the Council's own development, appropriate action will be taken through internal Council procedures.
- 2.7 **Retrospective Planning Applications** - Unauthorised development can sometimes be made acceptable by the granting of planning permission, usually involving the imposition of planning conditions, where the unauthorised development is in line with the development plan. Where appropriate, the Council may invite a retrospective planning application to regularise the unauthorised work (made under Section 73 A of the Town and Country Planning Act, 1990). The planning process follows the same procedures as a normal planning application and the development is publicised and consulted upon in the standard way. However no prior guarantee can be given that planning permission will be forthcoming. An Enforcement Notice may also be issued in relation to elements of the development. The Localism Act 2011 brought in a reduction in the options available to anyone who has undertaken unauthorised development. Regularising unauthorised development can either be by the submission of a retrospective planning application OR by means of an appeal against an enforcement notice on the grounds that planning permission ought to have been granted or the condition or limitation concerned ought to be discharged (known as a ground (a) appeal). Under the new provisions the Council now has the power to decline to determine a retrospective application if an enforcement notice has been issued. Subsection (4) limits the right of appeal against an enforcement notice after a retrospective application has been submitted, but before the time for making a decision has expired.
- 2.8 **Certificates of Lawfulness of Existing Use or Development** - Where development has taken place without planning permission Section 191 of the Town and Country Planning Act, 1990 allows for the issuing of a Lawful Development Certificate if certain conditions can be met. This enables the owner to obtain a statutory document confirming that the use, activity or other development is lawful for planning control purposes at that particular time. The issue of the certificate depends entirely on factual evidence about the activities which have taken place on the land, the planning status of the site and on the interpretation of relevant planning law. Whether the use is

acceptable in planning terms is irrelevant - what is important is the factual evidence. There are factors which must be satisfied for such certificates to be issued in terms of the length of time a use or development has existed uninterrupted. The onus is on the applicant to provide evidence to support any application.

- 2.9 **Planning Contravention Notice (PCN)** - Service of this notice under Section 171C of the Town and Country Planning Act 1990 does not constitute formal enforcement action but is used where the Council suspects that a breach of planning control may have occurred. This notice enables the Council to obtain relevant information relating to any use of, or activities being carried out on, land and other relevant facts to ascertain whether a breach of planning control has occurred, and if so, whether enforcement action is appropriate. Failure to complete or return a notice within 21 days is an offence, as is providing false or misleading information on the notice.
- 2.10 **Breach of Condition Notice (BCN)** – A breach of condition notice served under Section 187A of the Town and Country Planning Act 1990 requires compliance with the terms of one or more planning conditions attached to a planning permission as specified by the notice. It can be served on any party carrying out the development on the land and/or any person having control of the land. The BCN will set out the necessary steps to ensure compliance with the condition(s) being breached with a minimum of 28 days for compliance. Following the end of the period for compliance a “person responsible” who has not ensured full compliance with the conditions will be in breach of the notice and guilty of an offence under S187A (8) and (9) of the Town and Country Planning Act 1990. Summary prosecution can be brought in the Magistrates’ Court for the offence of contravening a breach of condition notice. This can result in a fine of up to £1,000. There is no right of appeal to the Secretary of State against a BCN, although it can be challenged by applying to the High Court for a judicial review.
- 2.11 **Enforcement Notice** - Under Section 172 of the Town and Country Planning Act 1990, the County Council has the discretionary power to issue an Enforcement Notice where it appears to the Council:
- that there **has** been a breach of planning control **and**,
 - that it is **expedient** to issue the notice having regard to the development plan and other material considerations.

The notice is served on the owner(s) and occupier(s) of the land to which it relates and any other party with an interest in the land which is materially affected by the notice. The notice must specify exactly what, in the Council’s view, constitutes the breach of planning control; and secondly what steps are necessary to remedy the breach of planning control. This may require activities to cease and the land to be restored to its condition before the breach took place. There is a right of appeal to the Secretary of State against

an Enforcement Notice. The appellant must submit their appeal to the Planning Inspectorate within 28 days from when it was issued. If an appeal is lodged the terms of the notice are suspended until the appeal is determined. If no appeal is made then the notice takes effect and all the requirements of the notice must be met. It is an offence not to comply with an Enforcement Notice, once the period for compliance has elapsed, and there is no outstanding appeal. The maximum fine on summary conviction in a Magistrates' Court is £20,000. The Council has the powers under Section 178 of the Town and Country Planning Act 1990 to enter enforcement notice land and carry out the requirements of the notice itself (known as Direct Action). It is an offence to wilfully obstruct anyone who is exercising those powers on the Council's behalf. The Council is able to recover from the owner of the land any expenses reasonably incurred by them in undertaking this work (Regulation 14 Town and Country Planning General Regulations 1992). The Council will consider such action in appropriate cases. The enforcement notice is registered as a local land charge and will therefore be made known to any potential purchaser of the land. Where appropriate, the provisions under the Proceeds of Crime Act 2002 will be used for non-compliance with Enforcement Notices and other relevant breaches.

- 2.12 **Stop Notice** - These are used in the most urgent or serious cases in conjunction with Enforcement Notices where it is considered expedient that an activity must cease before the expiry of the period for compliance specified in the associated enforcement notice. The Council will specify in the Stop Notice when it is to take effect, this is normally no less than 3 days after the service unless special reasons exist for an earlier date. This is usually on grounds of public safety or to prevent serious irreversible harm to the environment. There is no right of appeal against a Stop Notice and it will take effect even if the accompanying Enforcement Notice is appealed. A person guilty of this offence is liable on summary conviction to a fine of up to £20,000, and on conviction on indictment, to an unlimited fine. An appeal can be made against the accompanying Enforcement Notice and where this is successful the Council may be liable to pay compensation in certain circumstances. Consequently the use of stop notices will always be carefully assessed by the Council.
- 2.13 **Temporary Stop Notices (TSNs)** - This power available to local planning authorities was introduced by the Planning and Compulsory Purchase Act 2004 (inserting sections 171E to 171 H into the Town and Country Planning Act, 1990). These are similar to Stop Notices in that they require the immediate cessation of an activity or use but TSNs do not need to be served in conjunction with an enforcement notice. They take effect immediately they are displayed on a site and last for up to 28 days. This enables the Council to decide on whether further enforcement action is appropriate and also what form it should take. Temporary Stop Notices will prohibit only what is essential to safeguard amenity or public safety, or prevent serious or irreversible harm

to the environment. Before serving the Notice, the Council, where practicable, may discuss whether there are alternative means of production or operation which would overcome the objections to it in an environmentally and legally acceptable way. It is an offence to contravene a TSN and any person found guilty is liable on summary conviction to a fine of up to £20,000 and on conviction on indictment, to an unlimited fine. Any person affected by a TSN can make representations to the Council to challenge the notice however there is no right of appeal to the Secretary of State against the prohibitions in a TSN, although the validity of a decision can be judicially reviewed and compensation be payable for financial loss if development is held lawful by granting a Certificate of Lawfulness.

- 2.14 **Injunctions** - Applications can be made by the Council to the High Court or County Court for an injunction to restrain an actual or apprehended breach of planning control where it is expedient to do so. Local Planning Authorities can apply for an injunction whether or not it has exercised any other powers to enforce planning control. However injunctions are generally used as a last resort for the most serious cases where there have been persistent breaches of planning control over a long period and/or other enforcement options have been ineffective. Courts may grant an injunction against a person whose identity is unknown. Failure to comply can lead to unlimited fine or imprisonment. Councils will be required to provide evidence of their inability to ascertain the identity of the person and the steps taken in attempting to do so.
- 2.15 **Prosecution** – The option of pursuing prosecution is open to the Council if a formal notice has not been complied with within a specified period. This involves an evidential test and would need to satisfy a public interest test.
- 2.16 **Planning Enforcement Orders** - The Localism Act 2011 introduced planning enforcement orders (PEOs) to tackle breaches of planning control, both unauthorised uses and development that are deliberately concealed. Planning enforcement orders enable Council's to take enforcement action after the usual time limits for taking enforcement action (as referred to in paragraph 2.5 above) have expired. Councils must have sufficient evidence of the apparent breach to justify applying for a PEO which must be made within 6 months of becoming aware of the breach. The application for a PEO must be made to a Magistrates' Court and a copy served on the owner and occupier of the land and anyone with an interest who would be materially affected by the enforcement action. The applicant and those affected have the right to appear before and be heard by the court. The effect of the PEO is that the Council can take enforcement action during the "enforcement year" which does not begin until the end of 22 days starting with the day of the Court's decision to make the Order or when an appeal against the order has been dismissed. Planning Enforcement Orders will focus on the worst cases of concealment and can only be made where the developer has deliberately concealed the

unauthorised development rather than merely refraining from informing the Council about it.

Monitoring and Enforcement Team

- 2.17 The Monitoring and Enforcement Team form part of the Development Management Team within the Planning Group. Currently the Team comprises the Senior Practitioner -Monitoring and Enforcement, together with two Monitoring and Enforcement Officers. Their work involves regular liaison with internal and external legal advisers. The staff and financial resources allocated to the monitoring and enforcement work of the County Council is periodically reviewed to ensure that the resources are commensurate with the duties undertaken.

CHAPTER THREE - MONITORING

- 3.1 The County Council has responsibility for monitoring minerals and waste sites and the County's own developments. Monitoring is undertaken for two reasons firstly, to ensure compliance with the terms of planning permissions including conditions and legal agreements and secondly, to ensure that unauthorised developments are regularised or removed.
- 3.2 Regular monitoring is an essential tool for controlling development and activity. This proactive approach enables the Council to anticipate and resolve breaches of planning control often before they occur. It is through effective monitoring that the public's perception of the quality of development is often established.
- 3.3 Planning permissions for minerals and waste sites and for some of the larger County Council developments are often complex, sometimes with many conditions and legal agreements attached. These may require the submission of further details, e.g. schemes to be agreed, phasing details, landscaping schemes or compliance with time limits or other requirements. The responsibility for submitting details and complying with time limits required by the permission lies with the applicant and / or the site operator. However, the County Council will, wherever possible, remind applicants of the need to submit details required by a planning permission or the need to renew a temporary permission. For the larger minerals and waste sites, which are often subject to several separate planning permissions, this can be achieved by Site Audits where the terms of relevant planning permissions and associated legal agreements are regularly reviewed with the applicant/operator.

Liaison

- 3.4 Where appropriate, liaison with other bodies such as District Councils or the Environment Agency will take place to co-ordinate monitoring arrangements and share data where appropriate.

Monitoring Programme

- 3.5 Once planning permission has been granted systems are put in place to ensure adequate monitoring of the decision. The nature of minerals and waste development requires specialist monitoring often over a considerable period of time. However, these sites operate at a high level of activity at certain times; whilst at other times are active only intermittently.
- 3.6 The monitoring programmes need to be based upon a number of factors including the level of activity, the stage the development has reached and the nature of the operations involved. All new sites are entered into a database with appropriate monitoring files established.

Fee Regime

- 3.7 Since April 2006 Minerals and Waste Planning Authorities (MWPA) have been able to recover costs incurred in the routine monitoring of minerals and landfill sites under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013. This does not apply to other forms of waste management such as recycling plants or composting sites. The liability to pay the fee is the responsibility of the primary operator (or split on joint / multi operator sites); in default this would rest with the freehold landowner.
- 3.8 The period over which the fees must be paid covers the full duration of the planning permission from implementation through to final completion of aftercare. At present the national fee set by Government is £331.00 per inspection for active/partially active sites and £110.00 for dormant sites.
- 3.9 The number of sites falling within this regime in Nottinghamshire as at March 2015 is as follows:
- 82 minerals sites
 - 8 waste sites
 - 8 combined minerals and waste sites
 - 1 inactive sites
 - 11 dormant sites (none fee paying)

The County Council will continue to monitor all relevant sites, irrespective of whether they are able to recover the cost of monitoring, to ensure compliance with the terms of planning permissions and encourage good practice.

Frequency of inspection

- 3.10 The decision on the appropriate number of inspections for each site rests with the MWPA, although Government guidance restricts inspections to a maximum of eight in any charging year and suggests an average of four per year for an active site.
- 3.11 Visits made in response to a complaint are outside the agreed number of visits and are not chargeable, even if the complaint is substantiated. However, in these circumstances it is likely that an increased frequency of monitoring will be needed in the subsequent year to more closely review the problem area(s).
- 3.12 The mechanism for overcoming a disagreement between the Council and the operator regarding visit frequency is through the Council's complaint procedure and ultimately the Local Government Ombudsman.

Criteria for determining frequency of monitoring visits

- 3.13 The County Council decides the monitoring site visit frequency on a site specific basis, taking into account the following factors: type of site, size, number and complexity of conditions, number of conditions requiring

monitoring, stage of development, progressive nature of working, breaches of planning control observed, complaints received and previous history.

- 3.14 A generic set of criteria has been adopted by the Council to determine the site visit frequency. This is set out in Appendix 2. The criteria have been established to reflect guidance that on average a site should expect four chargeable visits per year, with scope to revise this figure in the light of improved / worsened performance and changes in the circumstances regarding the site type or phase of the development.
- 3.15 Provision is also made for unannounced inspections within these in order to retain scope for unscheduled reviews of operations thereby addressing a concern sometimes raised that operations observed on scheduled visits are often unrepresentative of routine day to day operations.

Rights of entry

- 3.16 Generally access to sites will be part of the established monitoring routine. Monitoring staff will have regard to health and safety requirements, and operators are encouraged to nominate a representative who can act as the main point of contact. However, because of the nature of enforcement work it will often not be prudent or possible to give advance notice of the intention to visit a site.
- 3.17 Authorised officers have a statutory right of entry for enforcement purposes¹. This right is limited to what is regarded as reasonable, in the particular circumstances for effective enforcement of planning control. The legislation specifies the purposes for which entry to land maybe authorised. They are:
- to ascertain whether there is, or has been, any breach of planning control on the land, or on any other land;
 - to determine, whether any of the LPA's enforcement powers should be exercised in relation to the land, or any other land;
 - to determine how any such power should be exercised; and
 - to ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

(The inclusion of the words "any other land" means that, if necessary, neighbouring land can be entered, whether or not it is owned or occupied by the person whose land is being investigated).

¹ Sections 196A, 196B and 196C of the Town and Country Planning Act 1990 as amended.

Legal Requirements

- 3.18 Officers visiting sites will carry their identity cards with them at all times and, where relevant, will produce evidence of authorisation and state the purpose of the visit before entering the land.
- 3.19 When visiting sites for enforcement purposes, officers will seek the cooperation of the owner or occupier. If entry to a site is denied, subsequent visits may involve the assistance of the Police to accompany members of staff. Refusal to allow entry can be regarded as “wilful obstruction” and the owner/occupier could be prosecuted under Section 196C of the Town and Country Planning Act 1990.
- 3.20 The County Council will follow relevant legislation in relation to gathering of evidence² and how investigations leading to potential prosecutions are structured³.

² Police and Criminal Evidence Act, 1984 (and subsequent amendments) and Protection of Freedoms Act 2012. ³Criminal Procedure and Investigations Act, 1996.

CHAPTER FOUR - COMPLAINTS

- 4.1 Minerals and waste activity can be seen as harmful to amenity, destructive to the environment or as a nuisance. Both new and ongoing development can give rise to complaints. It is the responsibility of the County Council to deal with complaints relating to alleged breaches of planning control on minerals and waste sites and for those relating to the County's own developments.
- 4.2 Complaints may arise in a number of ways. They may be reported directly to the County Council either by telephone, in writing or on-line. When a complaint is made by telephone as much information regarding the alleged breach should be supplied, together with complainant's contact details. An Enforcement Complaint Form (see Appendix 1) will be completed and retained by the Monitoring and Enforcement Team. Alleged breaches may also be reported by submitting the on-line complaints form which may be found on the Monitoring and Enforcement page of the County Council website at www.nottinghamshire.gov.uk.
- 4.3 Complaints are sometimes made to other agencies such as District Councils, Parish Councils and the Environment Agency. It is important that close liaison is maintained with such outside bodies to ensure that the correct organisation can follow up the complaint with the appropriate action.

Complaints Procedure

- 4.4 Complaints about alleged breaches of planning control referred to the Team will be dealt with in accordance with the following procedures:
- All complaints will be entered onto the Monitoring and Enforcement Team's Complaints Register.
 - The identity of complainants will be kept confidential (in the event of legal proceedings complainants may be asked to appear in court as witnesses).
 - All complaints will be acknowledged within 3 working days informing the complainant of the case officer dealing with the complaint.
 - The site operatives or owners (where known) will, where appropriate, be advised of the nature of the complaint within 3 working days* of the complaint being received.
 - Where appropriate, an initial investigation will be undertaken within 3 working days* of the complaint being received.
 - The complainant will receive a written response within 15 working days* of the complaint being made, confirming the outcome of the investigation and any action the Council proposes to take. If no action is proposed the reasons will be explained.

- Where a breach of planning control is established the person responsible for the breach will be informed and notified what action should be taken to correct it. A time limit will be given and the consequences of not taking the appropriate action will be explained.
- Where there is no breach of planning control but the complaint is nevertheless considered a problem, the Council will seek the co-operation of the operator in solving or mitigating the effect of the problem.
- Liaison with other agencies, e.g. Environment Agency, District Councils etc will take place where the nature of the complaint may be relevant to them.

**These targets are internal performance indicators against which the Development management Service is measured on a quarterly basis.*

Local Liaison Committees

- 4.5 For large sites or those operating over a long period of time, arrangements are often made for the establishment of a Local Liaison Committee. These Committees meet regularly to discuss any issues or problems as they arise. This practice is encouraged as it provides a forum where representatives of the County Council, Parish Council, site operatives, other regulatory bodies, elected members and members of the local community can discuss issues which concern them. Whilst some matters can be resolved through these Committees or by local people dealing directly with an on-site contractor, some complaints need to be referred to the Monitoring and Enforcement Team to investigate further.

Corporate Complaints

- 4.6 The County Council has a corporate complaints procedure. Anyone dissatisfied with the way in which the Council has handled any matters relating to monitoring or enforcement can pursue a complaint through this procedure. Complaints may be made on-line, by Freephone, in writing or in person. Further details can be found on the County Council website at www.nottinghamshire.gov.uk

5 CHAPTER FIVE - ENFORCEMENT PROCEDURES

- 5.1 Enforcement action will be taken in accordance with the following procedures.
- 5.2 Once sufficient information regarding an alleged or actual breach of planning control is available the site operator and land owner will be sent a letter setting out the County Council's concerns. The letter may contain a request to cease the unauthorised activity or remedy the breach by a particular deadline.

Planning Contravention Notices

- 5.3 The letter may be accompanied by the service of a Planning Contravention Notice⁴ which may only be served when it appears to the LPA that a breach of planning control may have occurred. The service of PCNs does not constitute formal enforcement action and are used to determine site ownership or other relevant information relating to the alleged breach of planning control⁵. Failure to comply with a PCN within 21 days or the supply of false information is a summary offence.
- 5.4 Details of the PCN are entered onto the Monitoring and Enforcement database and a copy of the notice entered onto the Planning Contravention Notice Register.
- 5.5 Where appropriate, a Land Registry search of the land and/or a Company search will be carried out in order to ascertain whether the site is registered land and to obtain ownership details.
- 5.6 Within 5 working days of the expiry of the deadline or upon receipt of a written explanation from the site operator or land owner, a decision will be made on the appropriate action to be taken. This decision may be taken following consultation with Legal Services.
- 5.7 If no further action is warranted a written note of explanation will be placed on the file, and the site operator and/or land owner notified in writing.

Referral to other bodies

- 5.8 If other authorities, such as the district council, or agencies such as the Environment Agency, are responsible for further action, the site operator and/or the land owner will be notified within ten working days of the deadline that the County Council has passed on all relevant information to the appropriate body.

⁴ PCN's are served under Sections 171C and 171D of the Town and Country Planning Act 1990, as amended. ⁵ Other legislation is also sometimes used to obtain information including Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 as subsequently amended / extended and Section 330 of the Town and Country Planning Act, 1990.

Regularising planning applications

- 5.9 If it is considered appropriate for a planning application to be sought to regularise any breach the site operator / landowner will be informed within ten working days of the deadline.
- 5.10 If the breach continues and no satisfactory agreement can be reached with the site operator and landowner on an acceptable course of action, following consultation with Legal Services they will be notified in writing that formal proceedings are being instigated. Chapter 2 sets out the enforcement tools available to the County Council and the most appropriate course of action will be chosen based on the particular circumstances of the breach of planning control.

Service of notices

- 5.11 If it is considered expedient to do so an Enforcement Notice, Breach of Condition Notice or, in more serious cases, a Stop Notice (or Temporary Stop Notice) will be served on all relevant landowners, occupiers or any other parties having an interest in the land to remedy a breach of planning control. The appropriate notice will be served following consultation with Legal Services.
- 5.12 The notice will identify the land; specify the nature of the breach, the steps necessary to remedy the breach and the timescale for compliance. It is essential that all information on the notice is correct to ensure the notice is not a nullity and that it can be defended if appealed.
- 5.13 All notices will be signed by an appropriated authorised officer.

Member notification

- 5.14 Following the service of a notice the Chairman and Vice-Chairman of Planning and Licensing Committee and the Divisional Member(s) will be notified in writing within 3 working days of the service of the notices.

Planning Register

- 5.15 Within five working days of service a copy of the relevant notice will be sent to the relevant District Council with a request that the notice be entered on the Planning Register and Land Charges Register. District Councils have a statutory duty to place all notices on the Planning Register and declare such details in subsequent search enquiries.

Appeals

- 5.16 Anyone served with an Enforcement Notice has 28 days to lodge an appeal with the Planning Inspectorate. (There is no right of appeal against Breach of Condition Notices, Stop Notices or Temporary Stop Notices). Parties served with Enforcement Notices are informed of their rights of appeal and advised of

the procedures. In the event that an appeal is lodged, subsequent action will then follow the appeals process.

6 CHAPTER SIX - MEMBER INVOLVEMENT IN MONITORING AND ENFORCEMENT WORK

- 6.1 Under the Council Constitution all enforcement functions are delegated to the Corporate Director, Policy, Planning and Corporate Services and other authorised officers. Notwithstanding this delegation of power, Members will continue to be involved in monitoring and enforcement issues in a number of ways.
- 6.2 Firstly, reports will be presented to Planning and Licensing Committee every six months, plus a more detailed annual update once a year. The reports provide Members with the detail of all monitoring and enforcement work undertaken in the proceeding 6 or 12 months. The following information will be contained within the reports:
- number of site inspections for both County matter and County Council development, including details of the amount of any fees generated by monitoring inspections.
 - § number of complaints received and investigated and the extent to which those investigations have met local performance indicators. A breakdown of complaints by District will be provided.
 - § number of notices served and other action taken together with the reasons for their service.
 - an update on the current status of all outstanding enforcement cases.
- 6.3 Secondly, outside the above report dates some individual cases will be reported to Committee including those which raise specific enforcement issues or involve breaches of planning control likely to have significant impact. These reports will include the following details:
- breach of control
 - the steps necessary to remedy it
 - the type of action recommended
 - the period for compliance
 - the reasons why it is expedient to take enforcement action
 - request for authority for other appropriate action (e.g. legal action) so as to avoid repeated reports to Committee.
- 6.4 Member endorsement will also be sought for all enforcement action which may give rise to liability to pay compensation, such as the service of Temporary Stop Notices and Stop Notices. The agreement of the Chairman and Vice Chairman of Planning and Licensing Committee will be sought prior to the service of these notices.

CHAPTER SEVEN - INVOLVEMENT OF LEGAL SERVICES IN MONITORING AND ENFORCEMENT WORK

7.1 Involvement of legal services occurs in the following ways:

Legal advice

- Informal and formal requests for information or advice will be sought from Legal Services as required.

Notices

7.2 The advice of Legal Services will be sought prior to the service of all notices, except Planning Contravention Notices. Requests for advice will include the following information:

- planning history and investigations to date
- details of the alleged breach
- ownership details
- copies of draft enforcement notices and plans
- a summary of potential grounds of appeal
- an assessment of the Human Rights issues
- a cost benefit analysis (in the event a Stop Notice or Temporary Stop Notice is to be served)
- a review of the authority to serve.

7.3 Once drafted the notice will be signed by an appropriately authorised officer.

Injunctions

7.4 Within requests for advice concerning injunctions the above information will be sent to Legal Services together with necessary witness statements. In these cases the Group Manager- Planning will sign the request.

7.5 Following receipt of the above information Legal Services will be responsible for advising on the suitability of an injunction and for the drafting and service of relevant documents to the courts and other parties. Legal Services will conduct proceedings in Court or be responsible for instructing an outside partner. Officers from the Monitoring and Enforcement Team will give evidence and be cross-examined as required. The Monitoring and Enforcement Team will be responsible for collecting evidence of compliance and advising Legal Services accordingly.

Prosecutions

7.6 In the event of a prosecution, this will be initiated by a memo to Legal Services signed by the Group Manager Planning or in their absence the Team Manager of Development Management. This will include details of the notices, the alleged offence and a review of the potential weaknesses of the case.

Legal Services will prepare the case, produce and serve the information and conduct the legal case.

Liaison Meetings

- 7.7 Regular liaison meetings will continue to take place between officers from planning and legal services.

CHAPTER EIGHT - THE MONITORING AND ENFORCEMENT LEGISLATIVE AND POLICY FRAMEWORK

Statutory Background:

Enforcement is a complex area of planning law. Legislation relevant to enforcement and monitoring is contained within the following Acts;

- The Police and Criminal Evidence Act 1984 (PACE)
- Town and Country Planning Act, 1990
- The Planning and Compensation Act 1991
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- The Planning and Compulsory Purchase Act, 2004
- The Localism Act 2011
- Proceeds of Crime Act 2002
- Protection of Freedoms Act 2012

and the following Statutory Instruments;

- The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013
- The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002
- Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedures) (England) Rules 2002
- Town and Country Planning (Enforcement) (Hearings Procedures) (England) Rules 2002
- Town and Country Planning (Enforcement) (Written Representations Procedures) (England) Regulations 2002
- Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002
- The Town and Country Planning (Temporary Stop Notices) (England) Regulations 2005.

Enforcement policy guidance is contained within:

- National Planning Policy Framework 2012

- Planning Practice Guidance 2014
- The Planning Inspectorate Guides - Procedural Guide - Enforcement Appeals - England - March 2014
- Procedural Guide - Certificate of Lawful use or development appeals – England - June 2014
- Guide to taking part in enforcement appeals and lawful development certificate appeals proceeding by an Inquiry – England - March 2014
- Local Government Ombudsman - Fact sheet 7 - Complaints about planning enforcement
- Planning Portal - Enforcement Appeals.

Local policies are contained within:

- Nottinghamshire Minerals Local Plan (to be replaced by the New Minerals Local Plan and other Minerals Development Documents)
- Nottinghamshire County Council and Nottingham City Council Waste Core Strategy adopted December 2013 and other waste site specific and development management policies (forming the second part of the replacement Waste Local Plan)
- Nottinghamshire and Nottingham Waste Local Plan (Saved Policies) – adopted 2002
- Statement of Community Involvement – adopted 2013
- Various Local Plans produced by District and Borough Councils in Nottinghamshire.

The above legislative and policy framework have been taken into account in preparing this Local Enforcement Plan and are relevant to the monitoring and enforcement work of the County Council.

CHAPTER NINE - MONITORING AND ENFORCEMENT POLICY STATEMENT

- 1 In dealing with the enforcement of planning control the County Council will have regard to the provisions of the Development Plan, current legislation, government guidance and any other material considerations.
- 2 The County Council, in carrying out its enforcement duties, will be professional, consistent, transparent and fair with all parties, including those who are alleged to be responsible for unauthorised activity and those who have reported any alleged breach of planning control.
- 3 Investigations and action undertaken as part of the enforcement responsibilities of the County Council will be made public on the County Council website and in publicly available committee reports.
- 4 The details of all monitoring and enforcement work will be regularly reported to Members for information. Approval of the Chairman and Vice Chairman will be sought in enforcement cases where compensation issues may arise.
- 5 All monitoring and enforcement work will be undertaken in accordance with the Council's Corporate objectives and will aim to meet locally or nationally set performance indicators.
- 6 The County Council, in fulfilling its enforcement responsibilities, will liaise with other relevant parties (including the Environment Agency, District Councils and Environmental Health Officers) to resolve breaches of planning control. Appropriate contact with the general public and developers will be maintained.
- 7 The County Council will periodically review the resources that it makes available for enforcement and monitoring work to ensure staff and financial resources are sufficient to fulfil its responsibilities for the enforcement of planning control.
- 8 The County Council will undertake its monitoring and enforcement work in accordance with the Local Enforcement Plan. The Plan will be periodically reviewed and updated, as appropriate.

CHAPTER TEN - USEFUL CONTACTS

Monitoring and Enforcement Team:

Tim Turner – Senior Practitioner, Monitoring and Enforcement	0115 9932585	tim.turner@nottsc.gov.uk
John Cranham – Senior Monitoring and Enforcement Officer	0115 9932579	john.cranham@nottsc.gov.uk
vacant – Monitoring and Enforcement Officer	0115 9932587	

Other useful contacts:

Environment Agency	08708 506506	enquiries@environmentagency.gov.uk
Planning Portal		www.planningportal.gov.uk
Ashfield District Council	01623 450000	www.ashfield-dc.gov.uk
Bassetlaw District Council	01909 533533	www.bassetlaw.gov.uk
Broxtowe Borough Council	0115 9177777	www.broxtowe.gov.uk
Gedling Borough Council	0115 9013901	www.gedling.gov.uk
Mansfield District Council	01623 463463	www.mansfield.gov.uk
Newark and Sherwood District Council	01636 650000	www.newark-sherwooddc.gov.uk
Nottingham City Council	0115 9155555	www.nottinghamcity.gov.uk
Rushcliffe Borough Council	0115 9819911	www.rushcliffe.gov.uk

Appendix 1 Enforcement Complaint Form

Complaint origin: (please circle)

Member of public.....Councillor....Environment Agency....District Council.....
Other (state).....

Complaint made via: (please circle)

Telephone.....Email.....Letter...Verbal...Other (state).....

Complainant details:

Name:.....

Address.....

.....

.....

.....

Telephone:.....

Email address.....

Description of complaint/alleged breach:

Date/time/duration:

Location of site:

Nature of complaint/breach:

Any other relevant information:

Complaint received by.....Date/time.....

Appendix 2 CRITERIA FOR DETERMINING MONITORING VISIT FREQUENCY FOR MINERALS AND LANDFILL DEVELOPMENT IN ACCORDANCE WITH THE FEES REGULATIONS

No. visits per year	CRITERIA FOR FREQUENCY
1	Site is dormant or inactive (with no landscaping/aftercare obligations).
2	Site which is in aftercare only, (1 visit for annual aftercare meeting, 1 to review remedial works implemented and the second could be dropped if no issues arising, or remedial action required).
2	Established site with single planning permission and limited ongoing land take, little ongoing soil stripping/restoration or face/cell development, no complaint/breach history (1 visit for full audit, 1 (possibly unannounced) visit for general progress review).
3	Established site with single planning permission and limited ongoing land take, little ongoing soil stripping/restoration or face/cell development, but with substantiated complaint/breach history (1 visit for full audit, 1 (possibly unannounced) visit for general progress review, 1 to review areas of complaint/breach).
3	Established small site with single permission and ongoing extraction/landfill, soil removal and replacement, (no new infrastructure installation) and no history of non-compliance (1 full audit, 1 inspection to review soil stripping/replacement etc., 1 visit to review restoration and overview of development progress).
4	Established site with single/multiple permissions and with ongoing extraction/landfill, soil removal and replacement and no history of non-compliance (1 full audit, 2 inspections to review soil stripping/replacement/extraction, overview of progress etc. (1 or both unannounced), 1 visit to review restoration and overview of development progress).
5.	Established site with single/multiple permissions and with ongoing extraction/landfill, soil removal and replacement and history of substantiated complaint/breach (1 full audit, 2 inspections to review soil stripping/replacement and overview of progress etc., 1 visit to review restoration and overview of development progress, 1 to review specific areas arising from breach/complaint).
5	Established large site with single/multiple permissions and with rapid ongoing extraction/landfill, soil removal and replacement and history of non-compliance (1 full audit, 3 inspections to review soil stripping/replacement, overview of progress etc. (1 or 2 unannounced), 1 visit to review restoration and overview or development progress).
5	Small new greenfield development site with associated infrastructure, (1 initial inspection to review soil stripping and review conditions, 2 to review infrastructure preparation progress, 2 to review operational conditions once commenced, (including 1 full audit once site operational).
6	Established site (single or multiple permission) with ongoing extraction/landfill, soil removal and replacement and history of substantiated complaint/breach (1 full audit, 4 inspections to review soil stripping/replacement, areas of breach and overview of progress etc., 1

	visit to review restoration and overview of development progress).
6	Medium/large greenfield development site with associated infrastructure, (1 initial inspection to review soil stripping and review conditions, 3 to review infrastructure preparation progress 1 to review operational conditions once commenced, and 1 full audit).
7	Established site with ongoing extraction/landfill, soil removal and replacement and history of substantiated complaint/breach (likely to be subject to formal enforcement action requiring monitoring), (1 full audit, 5 inspections to review areas of breach and overview of progress etc., 1 visit to review restoration and overview of development progress).
8	Site with history of non-compliance and failure to comply with conditions, a source of complaints and environmental impact. 1 site audit, 7 remaining visits to cover general operations and activities subject to noncompliance.
8	Substantial new development with significant infrastructure to install prior to commencement. 1 full audit later in the year, 7 further inspections within the year to cover infrastructure installation/site set up and initial operational works, any associated S106 works).

CONTACT US

email **tim.turner@nottscc.gov.uk**
 phone **0115 993 2585**

 post **Development Management Team,
 Planning Group, County Hall, Loughborough
 Road
 West Bridgford, Nottingham NG2 7QP**
 internet **www.nottinghamshire.gov.uk**

**REPORT OF THE CHAIR OF ADULT SOCIAL CARE AND HEALTH
COMMITTEE****REVISION OF THE ADULT SOCIAL CARE STRATEGY****Purpose of the Report**

1. The purpose of the report is to seek approval for the revised Adult Social Care Strategy, which has been updated to reflect the requirements of the Care Act 2014.

Information and Advice

2. The Adult Social Care Strategy was approved by Full Council on 27 March 2014. Its aim is to set the future direction of adult social care in Nottinghamshire and enable the Council to meet its statutory duties within the funding available. The strategy is in line with priority four of the Council's Strategic Plan, and with the Council's Health and Wellbeing Strategy 2014-2017.
3. The emphasis of the strategy is on promoting independence and wellbeing, ensuring value for money and promoting choice and control. It also aims to ensure that pathways and processes are as streamlined and efficient as possible, so that people get the right amount of support, at the right time, with the aim of promoting their independence for as long as possible. It also reflects the requirements of the Care Act 2014. Information and training for staff has been designed to explain the new responsibilities introduced by the Care Act within the context of the strategy.
4. A report was considered by the Adult Social Care and Health Committee on 30th March 2015 which reviewed progress made with the implementation of the strategy to date. In addition the Committee was informed that the wording of the current Adult Social Care Strategy had been revised to ensure it was aligned with the Care Act, which became law on 1st April 2015, and was asked to recommend its approval by Policy Committee.
5. The revised strategy is attached as **Appendix 1**. There have only been minor changes made to ensure it is compliant with the new legislation, and where amendments have been made these are indicated in bold text.
6. Major pieces of work to put the strategy into practice have started over the past year, and are progressing well. Many of these are linked with work that is required to implement the Care Act and to support the integration of social care with health.

Other Options Considered

7. None.

Reason/s for Recommendation/s

8. The strategy requires slight revision in wording to ensure it is up to date and compliant with the Care Act.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

10. There are no specific financial implications identified in this report. It is intended that implementation of the strategy will help the Council to deliver savings and efficiencies within adult social care services.
11. The predicted revenue costs of the Care Act for 2015/16, including early assessment of self-funders, is £7.1 million. £6.7 million of this is being met from the Better Care Fund and new specific revenue grants. The remaining £0.4 million will be met from the Council's contingency, should it be required.
12. The costs for 2016/17 are being modelled and the Council is taking part in a pilot for the Department of Health modelling exercise to inform the Comprehensive Spending Review.

Human Resources Implications/ Ways of Working Implications

13. Council staff will be required to work differently as a result of the implementation of the strategy and are being supported to understand the implications of the strategy, as well as the implications of the Care Act.

Implications for Service Users

14. The Council is committed to providing good quality social care services for those adults who are most in need of care and support, and appropriate advice and information to prevent and delay the need for formal care and support wherever possible.

RECOMMENDATION/S

- 1) That the revised Adult Social Care Strategy, attached as **Appendix 1**, is approved.

Councillor Muriel Weisz
Chair of the Adult Social Care and Health Committee

For any enquiries about this report please contact:

Jennie Kennington
Senior Executive Officer
T: 0115 9774141
E: jennie.kennington@nottsc.gov.uk

Constitutional Comments (LM 21/04/15)

15. The Policy Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 11/05/15)

16. The financial implications are contained within paragraphs 10 to 12 of the report.

Background Papers and Published Documents

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

Approval of the Adult Social Care Strategy – report to Full Council on 27 March 2014
Implementation of the Adult Social Care Strategy – report to Adult Social Care and Health Committee on 30th March 2015

Electoral Division(s) and Member(s) Affected

All.



Policy Library Pro Forma

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

Title: Adult Social Care Strategy

Aim / Summary: The aim of this strategy is to set out the Council's proposals for the efficient use of resources for adult social care in Nottinghamshire.

Document type (please choose one)

Policy		Guidance	
Strategy	x	Procedure	

Approved by: Full Council

Version number: 2

Date approved: 27.3.2014

Proposed review date:
March 2015

Subject Areas (choose all relevant)

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

Author: Commissioning Officer

Responsible team: Joint
Commissioning Unit

Contact number:

Contact email:

Please include any supporting documents

1.

2.

3.

Review date

Amendments

1.4.2015

Strategy revised to take account of the implementation of the Care Act 2014



Adult Social Care Strategy

Foreword

This strategy sets out the Council's proposals for the future of adult social care in Nottinghamshire. The proposals are in line with the Council's Strategic Plan 2014 – 2018 and **the Care Act 2014**. The proposals are being made at a time of an unprecedented reduction in the Council's income, accompanied by rising demand for our services from older people and people with complex needs.

The provision of good social care support has always been a priority for the Council. In responding to the changes ahead of us, we will always try to consider the needs and preferences of the individual, but we will also have to balance this against the effective and efficient use of resources. We must ensure that we have sufficient resources to meet the needs of all people who are assessed as eligible for social care support and we must focus resources on support that prevents delays and reduces the need for care and support.

1. Context

Priority Four of the Council's Strategic Plan deals with providing care and promoting health. It sets out the Council's intentions to develop individual and community resources to prevent, delay and reduce the need for care and support. In addition the **Care Act** changes the way in which social care support is arranged and provided. For example it:

- provides a national eligibility threshold, which applies to all councils
- focuses care and support on promoting wellbeing and preventing or delaying the need for social care support
- requires the Council to provide people with information and advice relating to care and support for adults and support for carers

Our guiding principles for the future are as follows:

Good quality information and advice will be available to all to help people plan for the future, reduce the need for care services and where possible maintain independence.

We will expect to share responsibility with individuals, families and communities to maintain their health and independence

We will enable people to live with the risks inherent in living independently whilst ensuring they are safeguarded from significant harm.

We will reduce the demand for institutional care and the need for long term care in the community by commissioning or providing services that support independence.

Where people are assessed as eligible for social care support and need funding from the Council towards the cost of meeting their needs, we will provide funding only for as long as it is necessary to do so.

We will promote individual health and independence through joint and collaborative working across the public sector.

We will encourage and stimulate an efficient, diverse, affordable and high quality social care market.

We will commission support from external organisations that is focused on helping people to remain independent for as long as possible and is efficient and affordable

We will always consider the eligible needs and preferences of the individual but the Council has a responsibility to balance this against the effective and efficient use of its resources, which take account of the needs of all adults eligible for social care and support.

2. Our strategy for achieving these aims

INFORMATION, ADVICE AND EARLY INTERVENTION

- We will provide good quality information and advice to ensure that people know what support is available to them and to help them to plan for the future.
- We will aim to meet people's needs quickly when they first contact us. This might be through the Customer Service Centre, at a clinic or at a health centre.

PREVENTION

- We will target all prevention and early intervention services at people who are at risk of losing or reducing their independence.
- We will maximise independence by loaning equipment and assistive technology to people, where appropriate
- We will ensure that social care support is available to carers, if they are assessed as eligible to receive it.
- We will intervene to keep people safe when we have reasonable cause to believe there is **a risk of** harm or neglect by others, or an individual is unable to protect him or herself.

SHORT TERM SUPPORT (re-ablement)

- **We will work to prevent or delay the development of needs for care and support by providing advice, information and services that support independence**

- We will target short term support (re-ablement) where initial indications **suggest that the service will prevent or delay the person's need for longer term support.**

ASSESSMENT AND CARE MANAGEMENT

- We will provide a proportionate assessment to people following short term support (re-ablement) where it appears that they have eligible social care needs.
- We will make more use of phone, online and clinic appointments to undertake assessments. Assessment visits to a person's home will be made in situations where it is clear that a person could not cope with a phone or online assessment, is unable to travel to a clinic, or requests a face to face assessment.
- We will arrange services at the time they are required for as long as they are required to meet the specific outcomes identified in the assessment
- We will ensure that an assessment, under the Mental Capacity Act 2005, is carried out where people lack the capacity to make a decision about how their care needs should be met.
- We will provide care closer to home where this meets a person's needs and is cost effective. For those people currently placed outside of the county, we will aim to commission services in Nottinghamshire, **where possible.**
- We will ensure that people have access to independent advocacy support so that they can understand the choices available to them, where necessary.

PERSONAL BUDGETS

- We will ensure that other sources of funding and support are always explored before the allocation of a personal budget.
- We will decide how much a person's support would reasonably cost, based on their eligible needs.
- We will provide personal budgets that meet the essential outcomes identified through assessment in the most cost effective way
- We will expect people assessed as eligible for social care support to contribute towards their personal budget in line with the national charging arrangements for adult social care.
- We will offer a choice to individuals of taking their personal budget through a direct payment, a managed budget (arranged by the Council) or a mixture of the two.

REVIEW

- We will ensure that a person's entitlement to a personal budget is reviewed regularly to ensure that he/she is still eligible and that his/her outcomes are being met in the most cost effective way.

COMMISSIONING SERVICES

- When commissioning services for people, we will place greater emphasis on the achievement of outcomes and value for money over the level of choice available. We will always aim to maximise people's independence and take their preferences into account, but the funding made available to support an individual will be

determined by the most cost effective care package, based on the local care market, the availability of local care providers and the cost of community based and residential care. All situations will have to be assessed and considered on an individual basis.

- We will reduce the demand for institutional care and the need for long term care in the community by commissioning or providing services that support independence, for example extra care housing and/or housing with support. This will involve working with Health, housing providers and other agencies.
- We will expect organisations that provide services on our behalf to deliver good quality support that keeps people safe. Where they fail to do so in a timely manner, we will commission alternative support for people
- We will expect organisations that provide services on our behalf to pay for our support in situations where they are not meeting their contractual requirements and require support for improvement.
- We will fund non-statutory/discretionary services where there is evidence that they prevent, delay or reduce the need for care and support

FINANCE AND CHARGING

- We will charge a fee which reflects the cost of the service to people and organisations, where we are able to do so.
- We will ask people to pay the difference where they choose care and support which is more expensive than care that can be procured by the Council.
- We will provide advice and guidance to people on other funding that might be available if their preferred service is more expensive than similar care and support that can be procured by the Council
- We will make sure that people understand the different ways in which they can get independent financial advice in relation to their social care support.

STRUCTURES AND PROCESSES

- We will continue to **adapt adult social care structures and processes in line with the changes outlined in the Care Act.**
- We will make our systems and processes as efficient as possible to save money.
- We will ask the most appropriate agencies and care providers to undertake support planning and arrange services on our behalf
- We will integrate our structures with Health and other agencies where doing so will provide better outcomes and more cost effective services

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S
COMMITTEE****UNDER-16 HOME TO SCHOOL TRANSPORT POLICY AND POST-16
TRANSPORT POLICY - 2015/2016 ACADEMIC YEAR****Purpose of the Report**

1. To seek approval of the following revised policies as recommended by the Children and Young People's Committee:
 - a) Under-16 Home to School Transport Policy
 - b) Post-16 Transport Policy.

Information and Advice

2. Nottinghamshire County Council is required to publish its Under-16 Home to School Transport Policy and Post-16 Transport Policy in accordance with the Education and Inspections Act 2006, which built on provisions in the Education Act 1996. Where amendments are proposed, these must be subject to consultation and the agreed new policies published by 31 May each year. The proposed amendments to the policies are outlined below. Copies of the proposed policies for the 2015/16 academic year are attached as **Appendices 1 and 2**.

Under-16 Home to School Transport Policy 2015/16 academic year

3. The Under-16 Home to School Transport Policy sets out the County Council's provision of school transport services and travel assistance for pupils aged 4-16 years. It sets out the criteria for:
 - eligibility for travel assistance
 - how parents/carers may apply
 - how decisions are made
 - the type of assistance that may be available
 - how parents/carers may appeal against decisions they are unhappy with.
4. The Under-16 Home to School Transport Policy has the following proposed amendments:

a. Section 4.5 Single parents/carers and dual parental homes

Where a pupil's parents/carers live at different addresses it is proposed to make it clear which address will be regarded as the pupil's home address for the purposes of determining transport eligibility.

The following sentence will be added to this section:

'This will normally be the address where the child spends three or more school nights (Sunday – Thursday).'

This sentence is consistent with the definition of home address given in the Council's 'Admissions to schools - guide for parents 2015-2016' booklet.

b. Section 5.2.2. Medical Grounds

A minor change is proposed in respect of pupils applying for transport due to a temporary incapacity. Pupils will be required to include in their application an estimate of how long the temporary incapacity is likely to last.

c. Section 3.3 Behaviour and Attendance Service – Learning Centres

It is proposed to change this paragraph to reflect the organisational changes to the Behaviour and Attendance Service. The paragraph now refers to all pupils who are not on a school roll whose education is the responsibility of the County Council and their eligibility and entitlements to travel assistance.

d. Appendix A Special Educational Needs and Disability Travel Policy

- i. The introduction of personal budgets will mean that an eligible pupil's travel entitlement will not necessarily mean they will receive transport provided by the Council. To reflect the more creative ways a pupil's entitlement to assistance with travel to school might be delivered, it is proposed that the term 'special transport' be replaced with 'travel assistance'.
- ii. There are a number of grammatical changes to emphasise that transport entitlement for students with special educational needs and/or disability is considered in accordance with the Home to School Transport Policy. The appendix has also been updated to include references to Education, Health and Care Plans rather than statements.
- iii. Other than in exceptional circumstances a student would be expected to meet the transport at a designated and safe pick-up point. It is proposed to add a paragraph to emphasise that transport is not normally provided to and from the home address.

The following will be added to Appendix A:

"Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address.

A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.”

- iv. It is proposed to add a paragraph concerning the Council’s programme of independent travel training to clarify that students who successfully complete the programme would be expected to travel independently and would not be entitled to special transport from the Council.

The following sentence will be added to this section:

“Pupils/students who have successfully completed the ITT programme will be enabled to make this journey to school independently. Special transport will not be provided for these pupils/students unless their circumstances change significantly.”

Post-16 Transport Policy 2015/2016 Academic Year

5. The Post-16 Transport Policy consists of a travel scheme which aims to enable post-16 students to access education. The scheme is available to all Nottinghamshire County residents who meet the qualifying criteria. Where the County Council determines that a student has a special transport need this will be provided for.
6. The Post-16 Transport Policy for the Academic Year 2015/2016 has the following amendments.
 - a. The introduction of personal budgets will mean that an eligible student’s transport entitlement will not necessarily mean they will receive transport provided by the Council. To reflect the more creative ways a student’s entitlement to assistance with transport might be delivered, it is proposed to describe a student’s entitlement as a ‘*travel solution*’.
 - b. Other than in exceptional circumstances a student would be expected to meet the transport at a designated and safe pick-up point. It is proposed to add a paragraph to emphasise that transport is not normally provided to and from the home address.

The following sentence will be added to this section:

‘Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.’

- c. It is proposed to add a paragraph concerning the Council’s programme of independent travel training to clarify that students who successfully complete the programme would be expected to travel independently and would not be entitled to special transport from the Council.

The following sentence will be added to this section:

'Students who have successfully completed the ITT programme will be enabled to make their journey to school/college independently. Special transport will not be provided for these students unless their circumstances have changed significantly.'

Consultation process

7. Public consultation on the changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy was undertaken from Friday 13 February to Sunday 22 March 2015. The current policies together with a summary of changes were available on the Nottinghamshire County Council website during the consultation period.
8. Additional engagement on the amendments to the policies was undertaken prior to and during the public consultation period with key stakeholders which included Nottinghamshire Schools, Nottinghamshire Colleges and neighbouring Councils.
9. Written responses were invited to the proposals outlined in the consultation.

Consultation responses

10. There were two responses to the consultation:
 - a parent expressed concern that pupils are normally expected to join and leave transport at a designated pick-up/drop-off point, rather than from the home address. This arrangement is normal practice for home to school transport across local authorities. It was the subject of a recent court case ((1) *M* and (2) *W v London Borough of Hounslow* (2013)) which confirmed that this arrangement was lawful, whilst recognising that in some cases it would not be reasonable to expect a pupil to go to a designated point away from the home address
 - the head teacher of a special school raised some operational queries with regard to the Council's scheme of independent travel training. These were answered by the officer responsible for the scheme.

Other Options Considered

11. The option to make no changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy was rejected as modest proposals are considered necessary in the interests of transparency, to clarify existing practice or to bring specific provisions in to alignment.

Reason/s for Recommendation/s

12. It is a requirement that the local authority reviews the Under-16 Home to School Transport Policy and the Post-16 Transport Policy each year. The two policies have been reviewed and amended for the reasons stated in the report. The proposed policies meet the statutory requirements of the local authority to provide transport to pupils and students in Nottinghamshire.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

14. Most of the changes proposed clarify existing provisions and are intended to make the policy clearer to service users. It is not anticipated that the effect on service users will be significant.
15. The inclusion in the policy of a paragraph about the Council's scheme of independent travel training reflects a theme of promoting support for children and young people in developing their life skills and independence.
16. The introduction of personal budgets, whilst still in its early stages, will bring more creative ways to address transport provision.

Financial Implications

17. There are no anticipated additional costs relating to the proposed changes to the Under-16 Home to School Transport Policy and the Post-16 Transport Policy.

Public Sector Equality Duty Implications

18. As part of the process of making decisions and changing policy, public authorities are required by law to think about the need to:
 - Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who do not.
 - Foster good relations between people who share protected characteristics and those who do not.
19. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions / changes to policy could have on the community and those with protected characteristics. They may also identify potential ways to reduce any impact that a decision / policy change could have. If it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
20. An EIA has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for protected groups when considering this report.

Human Rights Implications

21. The provisions of the Equality Act 2010 and the European Convention on Human Rights are recognised throughout and in particular in sections relating to Special Educational Needs and Disability.

RECOMMENDATION/S

That:

- 1) the revised Under-16 Home to School Transport Policy 2015/16 be approved
- 2) the revised Post-16 Transport Policy 2015/2016 be approved.

Councillor John Peck
Chairman of the Children and Young People's Committee

For any enquiries about this report please contact:

David Litchfield
Transport Policy Officer
T: 0115 977 3861
E: david.litchfield@nottsgov.uk

Constitutional Comments (LM 23/04/15)

22. The Policy Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (SS 29/04/15)

23. The financial implications of this report are set out in paragraph 17 above.

Background Papers and Published Documents

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

Equality Impact Assessment
Under-16 Home to School Transport Policy and Post 16 Transport Policy – 2015/16 academic year – report to Children and Young People's Committee on 20 April 2015

Electoral Division(s) and Member(s) Affected

All.

C0614

UNDER-16 HOME TO SCHOOL TRANSPORT POLICY

2015/16 ACADEMIC YEAR

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1. INTRODUCTION

This policy sets out Nottinghamshire County Council's provision of school transport services and travel assistance, for school aged pupils. It sets out the criteria for eligibility for travel assistance, how parents/carers may apply, how decisions are made, the type of assistance that may be available and how parents/carers may appeal against decisions they are unhappy with.

The Home to School Transport policy of Nottinghamshire County Council will operate within the aims and objectives of the County Council's Strategic Plan and the Children, Families and Cultural Services Plan and ensures that the Council fulfils its statutory obligations for transporting pupils to school. However, it is still the legal responsibility of parents/carers to ensure the attendance at school of their children who are of compulsory school age.

Within this context, the aim of the policy is to provide a quality transport service as efficiently and economically as possible, designed to ensure that pupils get to school within a reasonable time and travel in a safe and stress free environment. The policy will have regard to the school admission arrangements within the County.

This policy can be viewed in conjunction with the following;

- Nottinghamshire Strategic plan 2014–2018
www.nottinghamshire.gov.uk/thecouncil/plans/councilplansandpolicies/strategicplan/
- Nottinghamshire Sustainable School Travel Strategy 2015
www.nottinghamshire.gov.uk/learning/schools/schooltravel
- Nottinghamshire Post-16 Transport Policy 2015
www.nottinghamshire.gov.uk/learning/schools/schooltravel/post-16-travel-assistance

This policy is compliant with the duties and powers of local authorities set out in the Education Act 1996 and the Education and Inspections Act 2006. It applies to all admissions to schools on and after 1 September 2015

TRAVEL ASSISTANCE TO QUALIFYING SCHOOLS

2.1 Entitlements to Home to School Transport

The offer of a school place does not give a guarantee of home to school transport assistance from the Council. Parents/carers have a right to express a preference for a school other than their catchment school. This is commonly known as a preferred school. However this does not automatically carry with it the right to assistance with home to school transport.

In Nottinghamshire, provision is made for eligible pupils attending their catchment or nearest available school. In addition to this, the Council provides additional support to low income families. Schedule 35B of the Education Act 1996 (inserted by the Education and Inspections Act) includes an extension of rights to free school travel arrangements for pupils in low income groups, i.e. those entitled to free school meals and those whose families are in receipt of maximum level of Working Tax Credit.

2.2 Summary of entitlements

2.2.1 Pupils aged four years old in full time education

Pupils aged four years old in full time statutory education are entitled to free transport to their nearest qualifying (catchment area) school from the start of the academic year in which they become five, if that school is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.2 Pupils Aged 5–7 years

Pupils of compulsory school age who are under the age of eight are entitled to free transport to their nearest qualifying (catchment area) school if it is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.3 Pupils aged 8–11 years

Pupils aged between eight and eleven are entitled to free transport to their nearest qualifying (catchment area) school if it is three miles or more from home. Free transport to a preferred school is only available if that school is three miles or more from home and closer than the catchment area school.

2.2.4 Pupils aged 11–16 years

Pupils of secondary school age 11–16 are entitled to free transport to their nearest qualifying (catchment) school if that school is three miles or more from home. Free transport to a preferred school is only available if that school is three miles or more from home and closer than the catchment area school.

2.2.5 Pupils aged 8–11 years in low income groups

Pupils aged between eight and eleven from low income families are entitled to free transport to their nearest qualifying (catchment area) school if that school is two miles or more from home. Free transport to a preferred school is only available if that school is two miles or more from home and closer than the catchment area school.

2.2.6 Pupils aged 11 – 16 years in low income groups

Pupils of secondary school age from low income families are entitled to free transport to one of the three nearest qualifying schools (catchment or preferred) between two and six miles from their home.

2.2.7 Pupils aged 5 – 11 attending schools on grounds of religion or belief

Pupils of primary school age from low income families attending the nearest suitable school preferred on grounds of religion or belief are eligible for free transport where the school is between two and 20 miles from their home (see section 5.4.6 for details.)

Pupils of primary school age attending the nearest suitable school preferred on grounds of religion or belief but not eligible for free transport are eligible for subsidised transport where the school is between two and 20 miles from their home (see section 5.4.6 for details)

2.2.8 Pupils aged 11 – 16 attending schools on grounds of religion or belief

Pupils of secondary school age from low income families attending the nearest suitable school preferred on grounds of religion or belief are eligible for free transport where the school is between two and 25 miles from their home (see section 5.4.6 for details)

Pupils of secondary school age attending the nearest suitable school preferred on grounds of religion or belief but not eligible for free transport are eligible for subsidised transport where the school is between two and 25 miles from their home (see section 5.4.6 for details).

2.2.9 Transport eligibility when school year repeated

Pupils who would ordinarily be eligible for transport support and who repeat a year in school will retain that transport eligibility whilst in that particular phase of education.

2.2.10 Travel Assistance to Preferred Schools

Parents/carers have the right to express a preference for a school other than the catchment area school and this is known as a 'preferred school.' School age pupils up to seven years of age, attending a preferred school, will be eligible for free transport if that school is two miles or more from home and

closer than the catchment area school. Pupils aged 8–16 will be eligible for free transport if that school is three miles or more from home and closer than the catchment area school. The Home to School Transport Policy does not make any additional free travel provision for pupils to attend preferred schools.

A discretionary travel scheme for secondary age pupils attending a preferred school was in operation from September 2011 until August 2014. The roll-out of the scheme has now ceased. Qualifying children and young people currently within the scheme will continue to benefit from free travel until they reach the end of Year 11.

3. ADDITIONAL TRAVEL ARRANGEMENTS AND ENTITLEMENTS

3.1 Pupils with Special Educational Needs and Disabilities

See Appendix A

3.2 Children looked after by Nottinghamshire County Council

See Appendix B

3.3 Pupils not on a school roll

Pupils not on a school roll, whose education is the responsibility of the County Council either through a permanent exclusion or other circumstances, will have an alternative provision placement commissioned by the County Council. In these cases this placement will be classed as their designated school and the same criteria for accessing transport eligibility will apply in accordance with Section 2 of this policy.

3.4 Long fixed term exclusions

For fixed period exclusions beyond five days the school governing body is responsible for arranging full-time education provision. The County Council is responsible for meeting any resulting transport costs, e.g. if the pupil receives education at an alternative school site/learning centre.

3.5 Admission of pupils aged under 16 to Colleges of Further Education (CFE)

Where a pupil of statutory school age attends a College of Further Education, travel assistance will only be considered where the County Council determines that the college should be treated as the qualifying institution. Assistance rules in Section 2 of this policy are then applied.

If the pupils' previous school has directed the attendance at a CFE, then that school is expected to pay travel costs.

Placements determined by the school or parents/carers will be treated as preference decisions and no assistance will be offered by the County Council.

Applications for travel assistance should be sent to TTS.

3.6 Travel entitlements for pupils identified with Social, Emotional and Behavioural Difficulties (SEBD)

See Appendix C

4. DISCRETIONARY PROVISION AND EXEMPTIONS FROM POLICY

4.1 Moving home and temporary accommodation

A pupil attending the qualifying secondary school who moves in the last two years of their compulsory secondary education will continue to receive assistance if they remain at this school. Assistance will be based on the standard mileage and age criteria (see section 2) but will be restricted to a maximum travelling distance of eight miles or 45 minutes travelling time between the home and school.

Where parents/carers insist on a child attending a school to which the journey time exceeds these limits, the County Council will not be responsible for making, or meeting, the cost of travel arrangements.

The last year(s) of education will be deemed to begin on 1 September of the year in question. Therefore those who move during the summer holidays before 1 September will not receive assistance.

Children of families who have to move into temporary accommodation for reasons outside their control may be eligible for travel assistance to the original qualifying school for up to a maximum of six months from the time of the move. Assistance will be restricted to a maximum travelling distance of 25 miles and travelling time of 75 minutes.

Assistance is not provided where parents/carers go abroad for extended periods and their children are cared for at an alternative address.

4.2 Managed moves

Where, following a managed move, a pupil is admitted to an alternative school, then, subject to the advice of the Authorising Officer, the school shall be regarded as the qualifying (designated) school for determining travel assistance. In normal circumstances, the Authorising Officer should pursue placement at the nearest qualifying school to the home address. A suitable school would be the nearest one at which the pupil could continue his/her education, removed from any influences which could jeopardise his/her chance of success. If the parent/carer elects to send their child to an alternative school, that school will be treated as a preferred school for travel assistance purposes unless it is closer than the school designated by the Authorising Officer and is over the walking distance.

4.3 Bullying

Some parents/carers change their child's school on the grounds of bullying in the qualifying school. The new school will normally be regarded as a preferred school with regard to travel assistance arrangements. In exceptional circumstances where there is evidence that a supported move has been agreed by the County Council, the Authorising Officer may deem that the new school attended will be considered to be the qualifying school for travel assistance purposes, providing it is the nearest suitable school.

A suitable school would be the nearest one at which the pupil could continue his/her education, removed from any influences which could jeopardise his/her chance of success. If the pupil was originally in a preferred school, then the new school would still be classed as preferred for travel assistance purposes, unless it is the qualifying school for the home address.

4.4 Single parents/carers and dual parental homes

No exemptions from the standard assessment criteria will be given to children with only one parent/carer.

For children whose parents/carers no longer live at the same address, it must be decided by the parents/carers which home is their chosen address for travel assistance purposes. This will normally be at the address at which the child spends three or more school nights (Sunday–Thursday). Assistance to both homes will not be provided.

4.5 Pupils on exchange visits

Travel assistance is not available for pupils on exchange visits and parents/carers of the receiving family are responsible for any transport arrangements for the journey to and from the school/college.

However, authorisation may be given by TTS for pupils on exchange visits to travel on contracted services where seats are available. Head teachers must first establish whether there are seats available by contacting TTS who will advise accordingly. If authorisation is given, a temporary travel permit (TA10) will be issued. The head teacher should submit a list of pupils' names and visiting addresses to TTS. A charge will be made to exchange visit pupils who are allowed a place on a contract service.

4.6 Travel assistance for travel other than home to school

No assistance is available from the Home to School Transport budget for educational visits, school transition visits, career appointments or other non-educational journeys.

4.7 Post-16 students

Students enrolling at a school sixth form or a college of further education may take advantage of subsidised fares under the Nottinghamshire Post-16 Transport Policy, which can be found at:

www.nottinghamshire.gov.uk/learning/schools/schooltravel/post-16-travel-assistance

5. PROVISION OF TRAVEL ARRANGEMENTS

5.1 Measuring the statutory distances

In most cases distances are measured from the home address to school, gate to gate, using the shortest available walking route.

In the case of low income groups the minimum statutory distances are measured by using the shortest available walking route. Distances above that are measured by using the nearest route accessible by a vehicle.

Where there is a change to the walking route (i.e. the building of a new road or path), which brings the home to school distance within the prescribed distance, pupils will no longer be entitled to free transport. This change will affect all children after parents/carers have been provided with a reasonable period of notice, which is normally one term.

5.2 Walking distance exemptions

In some circumstances pupils living within the available walking distance limits and attending the qualifying school may be eligible for free travel. The circumstances in which free travel may be considered are:

5.2.1 Special Transport Needs

The pupil has a special transport need that requires the provision of transport for them to access and attend school. The special transport need is assessed by the County Council, drawing upon medical and other professional advice, as required. A special transport need may arise where the pupil:

- Lives within the walking distance but is unable to walk or travel safely to school accompanied by a parent/carer.
- Is unable to use public transport when accompanied by a parent/carer.

5.2.2 Medical Grounds

Transport may be provided for pupils who are temporarily incapacitated and unable to walk to or from school. Parents/carers should obtain a certificate or letter from the hospital or their family doctor stating that the child requires the provision of transport to enable them to access school. (The authorisation

should state specifically why the child is unable to travel to school accompanied by their parent/carer and for how long the assistance is required). The authorisation should be sent to SEND Commissioning, who will make the necessary arrangements.

5.2.3 Disability of parents/carers

Parents/carers are expected to take reasonable steps to ensure their child gets to school. Travel assistance may be considered where the parent/carer has a disability which prevents them from doing this.

5.2.4 Exceptional Circumstances

Exceptional circumstances will be determined on a case by case basis by the Transport Policy Development Officer or the Group Manager, SEND Commissioning.

5.3 Home to bus stop/bus stop to school walking distance

Pick-up and set-down points are made as near to home and school as possible bearing in mind road safety issues and the length/time of the journey. Pupils are expected to walk up to one mile from door to bus stop or from bus stop to school, or a combination of distances totalling not more than one mile in either direction each day. Pupils may be exempted from this on the recommendation of the family doctor, other appropriate medical professional or educational specialist.

No dispensation will be made for parents/carers who are working at the time their children travel to and from school. Parents/carers are expected to make other suitable arrangements for someone else to accompany their children as necessary.

5.4 Types of travel assistance

The aim of the policy is achieve best value in providing a quality transport service as efficiently and economically as possible, designed to ensure that pupils get to school within a reasonable time and travel in a safe and stress free environment.

The County Council provides for a return journey to/from home to school/college at the beginning and end of each official school/college day. Transport for medical appointments, extra-curricula activities, homework clubs, enrichment activities and revision sessions before the start or after the end of the official school/college day will not be provided.

Arrangements for travel assistance may take one of the following forms:

5.4.1 Free pass

A free travel pass will be issued where pupils qualify for free travel in Section 2. The pass will allow one return journey on school days only, on specified services between specified points.

5.4.2 A discounted season pass

If free travel is not an entitlement, but space is available on buses contracted by the County Council, a pass may be purchased by the parent/carer. The price of this pass is calculated from the published fares tables, with a discount applied. Where the season pass is for short distance travel to a qualifying school, the discounts are higher. In some cases TTS may be able to offer a season pass on commercially operated bus routes.

Please see Section 6.5 withdrawal of bus services for fare paying passengers.

5.4.3 A grant in lieu of free travel

In exceptional circumstances a grant will be given in lieu of a travel pass:

- If there are no suitable transport services available to the qualifying school, or if the distance from home to the nearest bus stop is greater than one mile by the shortest walking route, a grant equivalent to the 'public transport rate' is payable, provided that the pupil qualified for free travel in accordance with the walking distance criteria (see section 2)
- Grants will only be made where no local transport exists and/or where the grant payment provides best value for money for the County Council.
- The grant is based on the distance of two return trips per day using the 'public transport rate' as the basis of calculation. Distance is measured along the shortest route taken by the vehicle.
- A grant in lieu of free travel will only be backdated to the start of the academic year in which the application is made.
- A grant in lieu of a free pass will be given to only one member of a family at any one time, where a sibling is attending the same school or site. Where a sibling is attending a different school on a different site, a grant will be paid for the total mileage.
- If a 'preferred' school is both nearer than the qualifying school and over the walking distance the grant provision applies.

5.4.4 Grant for use of own vehicle (special cases)

Where the Council agrees to parents/carers conveying their children to/from school using their own vehicle (for medical or other exceptional reasons), then a grant will be paid based on the shortest distance by car at the 'public transport rate' for a return journey in each direction, subject to the conditions stated in 5.4.3.

5.4.5 Grant Variation

If bus fares increase or decrease then the grant will be amended and parents/carers notified at the earliest opportunity.

If there is a change in the provision of school or local bus services the grant may be replaced by the issue of a travel pass, in accordance with the requirement to achieve best value for money.

5.4.6 Transport assistance for pupils attending a school on the grounds of religion or belief.

Assistance with transport will be by means of a travel pass at a subsidised rate to the nearest suitable school by school bus or local bus, tram or train service on payment of the appropriate contribution from parents/carers. These charges are subject to annual review.

The following detailed criteria will apply:

- A parent/carer and child adhere to the religion or belief.
- In the case of admission on denominational grounds, the transport application is counter-signed by the Head Teacher confirming that the application was on the grounds of religion or belief. In cases where the application is on grounds of other philosophy or belief (see section 7.6) the application must be verified by the Transport Policy Development Officer.
- The pupil lives over the qualifying walking distance.
- The pupil lives within an area defined by a radius (measured from school to home in a straight line) of 20 miles for primary pupils and 25 miles for secondary pupils.
- The pupil can travel within the maximum travelling time criteria, using the available transport services of 45 minutes for primary pupils and 75 minutes for secondary pupils. Journey time is assessed by calculating the door-to-door time by use of public transport or the equivalent time it would have taken where no public transport exists and includes any journey time to a pick up point, waiting time for connections and walking time from set down point to school.

Children from low income families meeting the criteria above are exempted from charges if they are entitled to free school meals or their parents/carers are in receipt of maximum level Working Tax Credit.

Where a family has three or more siblings attending schools on denominational grounds (up to age 16) only the two youngest children will be subject to a charge.

5.5 Escorts

Transport Policy Development Officer in consultation with TTS will undertake a risk assessment to determine whether it is necessary to provide escorts or other facilities (e.g. on-bus communication facilities) on any of the services provided.

6. APPLYING FOR TRAVEL ASSISTANCE

6.1 Applying for under-16 travel assistance

Applications should be sent to Nottinghamshire Transport and Travel Services at Trent Bridge House.

All applications should be made on form TA1 which contains full details of travel assistance. Forms can be obtained from schools, Nottinghamshire Travel and Transport Services or a copy can be down loaded from the Nottinghamshire County Council Web Site, link given below.

www.nottinghamshire.gov.uk/learning/schools/schooltravel

Parents/carers should complete section 1 of the TA1 form. It must be stressed that applications for travel assistance made on behalf of secondary age pupils must be accompanied by a current photograph, as this is necessary for the travel pass.

If assistance is being sought on the grounds of religion or belief the form must be sent via the head teacher so that he/she can certify the form appropriately. The form should then be sent to TTS at Trent Bridge House for assessment of travel assistance.

Parents/carers will be notified in writing the level of assistance awarded together with details of the relevant transport arrangements. If the application does not generate free travel, the opportunity to purchase a season ticket and its cost will be advised by TTS. Season passes can be purchased annually or in three instalments.

The travel pass will normally be sent to the home address or school.

6.2 Duplicate passes

An application for a duplicate pass, together with the appropriate fee, should be made by the school on form TA12. Any travel pass returned because of incorrect information should be sent with form TA13. The new pass will be issued free of charge.

6.3 Lost/stolen passes

Passes that have been lost or stolen can be replaced on payment of an administration fee of £5. No administration fee will be charged if a pupil can substantiate that the pass has been stolen (e.g. crime number). In the case of pupils eligible for free travel, a temporary pass (TA 10) is available. For the replacement of passes not issued by TTS the full cost of replacement must be borne by the parents/carers, unless a locally arranged alternative scheme exists.

6.4 Provision and organisation of school transport services

6.4.1 Provision of Services

The arrangements for providing transport will be made in accordance with the requirements of the Education Acts 1996, 2002, the Education and Inspections Act 2006 and the Transport Acts 1985 and 2000.

The County Council will endeavour to ensure the safe movement of pupils and will coordinate exclusive school transport journeys and local bus services to ensure best value for money is achieved, in particular with respect to efficiency, effectiveness and economy (Transport Act 2000 s152).

6.4.2 Transport requirements

TTS will determine the level of service, vehicle type and seating capacity requirements. A continuing review of the services provided will be made to ensure that the travel needs of pupils are adequately met. Services will be organised as appropriate allowing for:

- The regulations relating to the provision of passenger transport services.
- The school or college session times, provided that the appropriate statutory procedures required have been followed. Head teachers, Principals and Governing Bodies are requested to consult with the transport departments as soon as possible on proposed changes to session times, so that the effect of any change can be assessed. Advice will be given on whether the change can be accommodated within the transport network, the likely cost implications, and any subsequent effects on other establishments and the local community as a result of the change.

- The fact that it is desirable in the interests of safety and comfort to provide a seat for each pupil. Legislation permits children under 14 to be seated three to each double seat on buses not equipped with seat belts. This arrangement will only be used to cope with a marginal excess of numbers above the available seating capacity. Children who reach the age of 14 during a school year are deemed to be less than 14 years of age until the last day of August following their 14th birthday.
- The need to give appropriate notice to head teachers, parents/carers and other interested parties regarding proposed changes to the transport network.
- The need to monitor the services and deal with complaints as soon as possible to ensure that an efficient and reliable service is provided.
- Environmental and sustainability issues.
- Equal opportunities and social inclusion.

6.5 Withdrawal of bus services for fare paying passengers

Subject to ensuring that statutory requirements are met in the most appropriate manner, no long term commitment is given by Nottinghamshire County Council to sustain transport for fare paying passengers. If spare places are required by pupils for whom there is a statutory responsibility, or should it no longer be necessary to provide the transport for statutory purposes, then fare payers' facilities may be withdrawn for which five days notice will be given.

6.6 Information to schools, colleges and transport operators

When appropriate, TTS will issue notes of guidance to all head teachers, regarding school transport services, which will provide information relating to school closures, accidents and poor operation. The guidance will also include information relating to transport operations for pupils with special educational needs.

When appropriate, notes of guidance will be issued to all transport operators by TTS to assist them in the operation of school transport services and the procedures for checking of travel passes and dealing with emergencies and behaviour.

6.7 Discipline on school transport services and misuse of travel passes

6.7.1 Guidance

Guidance notes to parents/carers and pupils are sent either on the issue of a travel pass or on admission to special schools. Transport operators are issued with guidelines regarding discipline on journeys but retain the right to refuse travel to any pupil who breaches the passenger service vehicle regulations regarding conduct of passengers.

The Education and Inspections Act requires head teachers to determine what measures should be taken to promote self-discipline among pupils and encourage positive behaviour and respect for others, including the prevention of bullying. Head teachers must make and publish rules, and decide on penalties for unacceptable behaviour.

6.7.2 Procedures

Except for serious incidents of indiscipline (which will be dealt with on an individual basis) the following procedures will normally apply:

- TTS, after consultation with the head teacher will advise parents/carers by direct contact or letter of the incident which occurred and issue a warning.
- If the problem continues a letter will be sent from TTS as appropriate advising parents/carers that the travel pass or transport facility will be withdrawn.
- In the event of further difficulties the travel pass (including free pass) or transport facility may be withdrawn for a period defined in a letter to the parents/carers. The parents/carers will be required to make their own transport arrangements during the suspension period. The transport operator will be informed of the action taken.

6.7.3 Misuse of passes

If a pass is withdrawn by an operator because of misuse, the incident will be investigated and a report sought from the school or college. Pupils will be responsible for the payment of fares during the period a travel pass is withheld because of misuse. At the same time a letter will be sent by TTS informing parents/carers of the actions of the County Council.

6.7.4 Boarding passes

In the event of disciplinary or capacity problems on a local bus service which conveys pupils who do not qualify for free travel, it may be considered necessary to introduce a condition that only pupils in possession of a boarding pass will be permitted to use the service.

A decision to introduce a boarding pass scheme will be made in consultation with the bus operator and head teacher.

Boarding passes for any new scheme will be produced by TTS and will be issued free of charge. Replacement passes will be dealt with under normal pass replacement procedures.

6.7.5 Reimbursement for travel for pupils banned from the bus

Whilst it is the parents/carers responsibility to ensure school attendance during any ban, reimbursement of bus fares or expenses at the public transport rate may be available. Such requests should be referred to TTS.

6.8 Review of transport decisions

A parent/carer has the right to a review of a decision if they believe that the County Council has assessed their entitlement to free transport incorrectly.

This should be set out on form TA2, which specifies four categories

- the distance measurement in relation to the statutory walking distances;
- the safety of the route;
- the transport arrangements offered;
- their child's eligibility;

Appeals against a transport decision will initially be considered by the Transport Policy Co-ordinator in Children, Families and Cultural Services. If a parent/carer is unsatisfied with the outcome they can request that it is reviewed by the Children, Families and Cultural Services Transport Review Panel.

There is no further right of appeal within Nottinghamshire County Council against this decision. However if a parent/carer is dissatisfied with the way the appeal has been conducted they may complain to the Local Government Ombudsman. The Local Government Ombudsman has no statutory power to overturn the decision of the panel but can draw the County Council's attention to any misadministration leading to injustice.

Should a review find in the parents/carers favour, free travel will be backdated to when the original application was received by TTS or the start of the academic year in which the application is made, whichever is the latest.

7. DEFINITIONS

7.1 Qualifying Schools

- Community, foundation or voluntary schools
- Community or foundation special schools
- Nottinghamshire Learning Centres
- City Technology Colleges (CTC), City Colleges for the Technology of the Arts (CCTA)
- Academies
- Free Schools

- Independent non-maintained special schools

7.2 Catchment Area Schools

In Nottinghamshire your home address will be in a catchment area for a school and this is generally referred to as the qualifying school for pupils living within that area. The catchment area is defined by streets or areas, or in the case of some junior and secondary schools, by the catchment area of their “linked schools.”

Schools may publish an alternative geographical area in their admissions literature as their catchment. This will not be considered by Nottinghamshire County Council when assessing home to school transport entitlements. Entitlements will be assessed on the basis of the catchment area as defined by Nottinghamshire County Council.

Information about identifying your catchment school can be down loaded from the Nottinghamshire County Council Web Site, link given below:

<http://www.nottinghamshire.gov.uk/findmynearest>

7.3 Coterminous and Overlapping Catchment Areas

In the event of two or more schools having a coterminous or overlapping catchment area the nearer or nearest of the schools to the home address will be regarded as the designated catchment school for transport purposes.

7.4 Designated Schools

Nottinghamshire County Council may designate a school other than the catchment or nearest school as the qualifying school. This may be done either through a Statement of Special Educational Need or by an Authorising Officer of the County Council.

7.5 Preferred Schools

Parents/carers have the right to express a preference for a school other than the catchment area school and this is known as a “preferred school.”

7.6 Schools attended on the grounds of parents/carers religion or belief

‘Religion’ means any religion, and ‘belief’ means any religious or philosophical belief. References to “religion or belief” include references to lack of religion or belief. It therefore follows that this duty covers all religions and denominations, as well as philosophical beliefs.

7.7 Walking Routes and Availability of Walking Routes

The walking route is defined as the nearest available walking route between the home boundary gate and the nearest school gate. To be treated as a walking route the route must be available to be walked (accompanied as necessary by an adult) with reasonable safety – taking into account highway conditions only. Personal safety is a parental responsibility. TTS measures the distance involved and assesses availability against set criteria. Where statutory free travel is not automatically awarded an appeal process (TA2) exists and the case can be reassessed, at which time other factors may be taken into account.

7.8 Low Income

The Education and Inspections Act 2006 places a duty on local authorities to provide free transport for some of the most disadvantaged children, which is defined as those eligible for free school meals or whose parents/carers are in receipt of the maximum level of Working Tax Credit.

8. ABBREVIATIONS/ACRONYMS

CFCS – Children, Families and Cultural Services

EHCP – Education, Health and Care Plan

ITT – Independent Travel Training

Parents/carers – Includes single parent/carer and child guardian(s)

SEN – Special Educational Needs

SEND – Special Educational Needs and Disability

TTS – Nottinghamshire Transport and Travel Services

Special Educational Needs and Disability Travel Policy

Legal Requirements and general responsibilities

- 1.1. The legal requirements relating to the general duty of a Local Authority to provide transport from home to school are contained within Section 509 of the Education Act 1996. The duty to consider the provision of free or assisted travel applies equally to pupils with or without Special Educational Needs (SEN) and Disabilities.
- 1.2. Some pupils with SEN and disabilities may require assistance with their travel to school. Wherever possible and appropriate, pupils with SEN and disabilities should be treated in the same way as those without, i.e. in general, they should walk to school, travel on public transport or be taken by their parents/carers. They should develop independent travel skills, which should be assessed at each annual review.
- 1.3. The County Council will determine the appropriate travel assistance provided in accordance with the eligibility criteria in Section 2 of the Home to School Transport Policy and the County Council's aim to provide best value.
- 1.4. Where pupils attend a school other than the catchment school as the qualifying (designated) school, travel assistance will be determined in accordance with Section 2 of the Home to School Transport Policy.
- 1.5. Where parents/carers choose to send their children to a preferred school, Section 2 of the Home to School Transport Policy will apply.
- 1.6. Travel assistance may be provided for a pre-school age child who has an Education, Health and Care Plan (EHCP). In such cases, assistance may be provided to nursery schools, nursery classes or units and pre-school playgroups.
- 1.7. Where special transport is provided parents/carers are responsible for escorting their child to and from the vehicle at the designated collection/drop-off point. Where a parent/carer does not receive the child upon return from school, the child will be taken to a place of safety. Where a parent/carer consistently fails to deliver/receive their child at the pick-up/drop-off point at the agreed time, the provision of transport will be reviewed and may be withdrawn.
- 1.8. Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address.
- 1.9. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.

- 1.10. Home to school transport will only be provided at the beginning and end of the normal school day, except in exceptional circumstances.

Qualification by distance from School

- 2.1. The distance criteria described in Section 2 of the Home to School Transport Policy apply equally to pupils with and without SEN and disabilities. There are, however, a number of walking distance exemptions.
- 2.2. Pupils living within the appropriate walking distance limits and attending the qualifying/designated school may be eligible for travel assistance if:
- The pupil has a special transport need that requires the provision of transport for them to access and attend school. The special transport need is assessed by the County Council, drawing upon medical and other professional advice, as required. A special transport need may arise where the pupil:
 - lives within the walking distance but is unable to walk/travel safely to school when accompanied by a parent/carer
 - is unable to use public transport when accompanied by a parent/carer
 - There may be exceptional circumstances which require the provision of special transport. The Group Manager, SEND Commissioning will consider any exceptional circumstances in individual cases.

Escorts

- 3.1 The Transport Policy Development Officer will utilise the advice received from educational and medical professionals to determine whether it is necessary to provide an escort or other facilities.

Independent Travel Training (ITT)

- 4.1 The County Council operates the TITAN (Travel Independence Training Across the Nation) and details of the programme can be obtained from:

www.nottinghamshire.gov.uk/travelling/travel/itt/

All pupils/students will be enabled to undertake independent travel training unless they are assessed, by an officer of the Council and the pupil's school, as being unlikely to benefit from such training. Special transport provided by the County Council will not be available for pupils/students who are able but choose not to participate in the travel training programme.

Pupils/students who have successfully completed the ITT programme will be enabled to make this journey to school independently. Special transport will

not be provided for these pupils/students unless their circumstances change significantly.

Residential Special Schools

- 5.1. Where the County Council has placed a pupil in a residential special school over statutory walking distance, parents/carers may be reimbursed at public transport rate to transport their children to and from the school at mid and full-term holidays, or as determined by the pupil's EHCP. Weekly boarders will be provided with travel assistance at the beginning and end of each school week. Where parents/carers do not have access to transport, or where it is more cost effective, transport will be provided by the County Council.
- 5.2. Where pupils attend a residential special school on a 52 week placement, transport is not provided. If assistance with transport is required, the social care worker allocated to the family should be contacted.

Pupils Aged 16 and Under Attending Colleges or Alternative Provision

- 6.1. For pupils aged 16 and under who attend college or other alternative educational provision on a full-time basis, eligibility for travel assistance will be assessed as follows:
 - If the placement has been made by a LA officer then travel assistance will be in accordance with Section 2 of the Home to School Transport Policy
 - If the placement is a parental choice, it is the responsibility of the parent/carer to provide transport.
 - If the pupils designated school has arranged educational provision off-site, the school will be responsible for arranging and funding any necessary travel.

Annual Reviews

- 7.1. It is the parent/carer's responsibility to arrange transport so that they can attend these events.

Transition Visits

- 8.1. The County Council will not provide assistance with transport for transition visits. It is the parent/carer's responsibility to arrange transport to and from transition visits.

Work Experience Placements

- 9.1. The County Council will not provide assistance with transport for work experience placements. It is the responsibility of the school and parents/carers to arrange suitable transport.

Medical appointments and illness during the school day

- 10.1. Where a pupil/student is taken ill during the school day it is the responsibility of the parents/carers to make arrangements for the child to get home. The County Council will not provide transport assistance.
- 10.2. Where a pupil/student has a medical appointment during the school day it is the responsibility of the parent/carers to make arrangements for this to happen. The County Council will not provide transport assistance.

Respite Care

- 11.1. This is not covered by the Home to School Transport Policy. Transport requests should be made to Children's Social Care and Health.

School Trips

- 12.1. The County Council will not provide assistance to schools with transport for school trips.

Swimming Transport

- 13.1. The County Council will not provide assistance to schools with swimming transport.

Review of Transport Provision

- 14.1. Transport provision will be reviewed annually to determine whether the basis for entitlement has changed and whether the current nature of travel assistance provided remains appropriate.

Review of Transport Decisions

- 15.1. A parent/carer has the right to a review of a decision to refuse the allocation of home to school transport. Where the initial application has been made on a TA1 form, the review should be requested using a TA2 form. There are four categories under which a review can be requested:
 - the distance measurement in relation to the statutory walking distances;
 - the safety of the route;
 - the transport arrangements offered;
 - their child's eligibility;
- 15.2. Where the initial application has been made directly to SEND Policy and Provision, the review should be requested from the SEND Officer. All other appeals will be considered by the Transport Policy Co-ordinator in Children, Families and Cultural Services. If a parent/carer is unsatisfied with the

outcome they can request that it is reviewed by the Children, Families and Cultural Services Transport Review Panel.

- 15.3 There is no further right of appeal within Nottinghamshire County Council against this decision. However if a parent/carer is dissatisfied with the way the appeal has been conducted they may complain to the Local Government Ombudsman. The Local Government Ombudsman has no statutory power to overturn the decision of the panel but can draw the County Council's attention to any misadministration leading to injustice.
- 15.4 Where a review finds in the parent/carer's favour, the travel assistance will be backdated to the start of the academic year in which the application was made or to the date of the receipt of the appeal, whichever is later.

Protocol between relevant divisions in Children, Families and Cultural Services for the transportation of Looked After Children (LAC) to school

1. This protocol has been established in order to clarify the procedure for arranging the transportation of pupils of school age when in the public care of Nottinghamshire County Council.
2. The protocol is required in order to clarify the funding implications of a change of care placement. The aim is to ensure that continuity of school placement can be supported by sharing the cost (50/50) of transporting the pupil to school, between council services, ie: Children's Social Care and the Home to School Transport Policy budget.
3. Transport will normally be provided by foster carers or residential staff, who will be reimbursed (50/50). If appropriate, a bus pass will be arranged. If neither of these is possible transport will be arranged.
4. Children's Social Care responsibility for transport for a LAC when moving care arrangements is as follows:
 - To inform the Transport Development Policy Officer as soon as possible of the new care arrangements by completing a Looked After Child Home to School Transport 50/50 Transport Request Form
 - To monitor the care arrangements for the child
 - To make short term interim arrangements for transport, if necessary, as it can sometimes take up to 20 working days and sometimes longer dependant on contract requirements for the necessary long term arrangements to be made.
 - To inform the Transport Development Policy Officer of any subsequent changes to care arrangements by completing a Looked After Child 50/50 Transport Request Form
 - To try to reduce the number of moves of care for individual children
5. The Transport Policy Development Officer's responsibility for transport for a LAC when moving care arrangements are as follows:
 - To assess the transport required for the pupil in conjunction with the Home to School Transport Policy.
 - To make permanent arrangements with Transport and Travel Services to transport the pupil to school if the care address is further than the statutory walking distance from school i.e.
 - Two miles if the pupil is under eight years of age
 - Three miles if the pupil is eight years of age or over

- To agree with Children's Social Care a duration for travel assistance and reassessment timescale.
 - To aim to keep the transport arrangement delays to a minimum
6. Transport and Travel Services will set up the transport contract for the child and will make the necessary 50/50 funding arrangements between Children's Social Care and the Transport Policy Development Officer for budget purposes.
 7. An exception to the 50/50 agreement exists if a child is in Years 10 or 11. In these circumstances the Home to School Transport Policy budget will cover the whole cost of transport, as it would have done for any other child moving. This is restricted to a maximum travelling distance of eight miles or 45 minutes travelling time between home and school.

Travel Entitlements for Pupils identified with Social, Emotional and Behavioural Difficulties

Home to School Transport in Nottinghamshire is provided for eligible pupils who meet the criteria as laid out in the Home to School Transport Policy. The policy sets out the Council's statutory duty to provide home to school transport to eligible pupils.

Pupils identified with Social, Emotional and Behavioural Difficulties (SEBD) will be assessed for home to school travel entitlements using the same criteria against which all other children in Nottinghamshire are assessed. They will be awarded travel assistance in accordance with the Home to School Transport Policy and parents/carers will be expected to complete the same application forms and provide medical/professional evidence where required.

Some pupils identified with SEBD may require special transport arrangements. Wherever possible and appropriate, pupils with SEBD should be treated in the same way as those without, i.e. in general, they should walk to school, travel on public transport or be taken by their parents/carers. They should develop independent travel skills, which should be assessed at each annual review.

For clarification on implementation of the Policy the following educational placement scenarios for children with SEBD have been identified.

New School Place

- 5.1. Where a pupil is allocated a new school (not catchment) by a Local Authority (LA) Officer then the entitlement to home to school transport will be as per Section 2 of the Home to School Transport Policy. The new school will be treated as the designated school.
- 5.2. Where a parent/carer has decided to place their child at a new school this will be treated as a preferred school choice. The entitlement to home to school transport will be as per section 2 of the Home to School Transport Policy.
- 5.3. Where a school or SBAP (Schools Behavioural and Attendance Partnership) has placed a child at a new school without the authorisation of the LA then this also will be treated as a preferred school choice in relation to the entitlement of home to school transport assistance.

Alternative Placement – Full Time Block Release / Respite / Time Out

- 6.1. Where a pupil has a fixed period of time (weeks) being taught full time at a school or other location, other than the one they are on roll at, then in normal circumstances parents will be expected to transport their child to that location.
- 6.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend.

- 6.3. In exceptional circumstances transport assistance may be considered by the LA and will be determined on a case by case basis by the Transport Policy Development Officer or the Group Manager SEND Policy and Provision.

Alternative Placement – Part-Time

- 7.1. Where a pupil is placed by their designated school on a part time or ad hoc timetable at an alternative place of learning then in normal circumstances parents will be expected to transport their child to that location.
- 7.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend.
- 7.3. In exceptional circumstances transport assistance may be considered by the LA and will be determined on a case by case basis by the Transport Policy Development Officer or the Group Manager SEND Policy and Provision.

Alternative Placement – Multi-site

- 8.1. Where a school or SBAP places a pupil at more than one location, home to school transport will only be considered to the primary location if that location is their designated place of learning as agreed by a LA Officer.
- 8.2. Schools should factor in travel arrangements when designing a package of learning and should provide support to parents to enable pupils to attend.
- 8.3. The LA will not normally provide home to school transport to more than one location and will not provide home to school transport to a location not agreed by an LA officer.

Inter site transport during the day

- 9.1. Where a school or SBAP arranges for pupils to attend different establishments during the school day it will be the responsibility of the school/ SBAP/parents to arrange and fund transport.
- 9.2. Where a pupil receives home to school transport this will only be to one site and therefore any arrangements made by the school must take this into account i.e. a pupil will not be picked up from a different establishment in the evening to the one at which they were dropped off in the morning.
- 9.3. Home to school transport is only provided at the beginning and end of a normal school day, no dispensation will be made for pupils not ready to be collected at the end of the school day.

Nottinghamshire Learning Centres

- 10.1. Pupils attending a Learning Centre will be assessed for transport entitlement against the Home to School Transport Policy. The Learning Centre will be classed as their designated school.

POST-16
TRANSPORT POLICY
2015/16 ACADEMIC YEAR

NOTTINGHAMSHIRE COUNTY COUNCIL POST-16 TRANSPORT POLICY

2015/2016 ACADEMIC YEAR

Introduction

The Nottinghamshire County Council Post-16 Transport Policy consists of a travel scheme for the 2015/2016 academic year which aims to enable all post-16 students to access education.

Students are advised to consider what transport services and ticketing/fare schemes are available locally before deciding if it is in their interest to apply to join the scheme. To assist students in doing this, a journey planner and information about public transport services is available at www.nottinghamshire.gov.uk/buses

Post-16 Travel Assistance Scheme 2015/2016

1. Who is eligible to join the scheme?

To participate in the scheme a student must:-

- be a Nottinghamshire County resident (excludes students resident in Nottingham City)
- be attending a full time course (a minimum of 540 guided learning hours per year over a period of a least 30 weeks) at a school (including Academies), college of further education or Independent Specialist Provider that is funded directly by the Education Funding Agency (the scheme does not apply to fee paying independent schools, higher education courses or universities)
- live more than three miles from the school/college using the nearest available walking route
- be over compulsory school age but under 19 years of age on 1 September 2015

For entitlements and additional benefits that are available for students with a disability or special transport need, see parts 4-6 below.

2. What type of assistance is available?

The Council will endeavour to provide the necessary transport services but cannot guarantee to do so and will identify the most appropriate and cost effective transport service for each student. The arrangement may not offer choice of operator, route or service except where these are available and there is no extra cost incurred.

There are three types of travel assistance available. Students may apply for one of the following:

- An annual **Half Fare Pass** costing £120.00 per academic year which entitles the student to travel at half the adult fare on a bus or train service to their school or college (currently not available on the tram). Full payment is required on application. The travel pass may be used on the designated bus or train services ONLY, for one journey to and from school or college each day started before 10.00pm, Monday to Friday during term time.

- A **Season Pass** is available to students travelling on specific school bus services and some other services arranged by Nottinghamshire County Council. This will allow the student to travel between home and school/college without having to pay a daily fare. The travel pass can ONLY be used on the designated bus service for one journey to and from school/college each day, started before 10.00pm, Monday to Friday during term time. If you indicate on the application form that you would like a season pass, a price quote will be sent to you. The price is calculated on half the annual adult fare plus the annual charge of £120. Students who purchase this pass may then travel without further daily payment on the specified service. You may pay for the season pass in full or by instalments as follows:
 - Initial payment to be made when you accept the quote
 - 2nd instalment by 1st December 2015
 - 3rd instalment by 1st February 2016
- A **Travel Allowance** up to a maximum of £150 per academic year may be offered in exceptional circumstances instead of a half fare travel or season pass.
To be considered for the travel allowance the following conditions should be met
 - a student is must be attending the nearest school/college to their home address
 - no public transport or other transport services exist or the school/college is outside the Nottinghamshire boundary
 - the travelling distance and travel times as calculated by Transport and Travel Services do not exceed 25 miles travelling distance and 75 minutes travelling time.
 All travel allowances are paid termly in arrears and attendance must be certified by the school or college. Students sharing the same vehicle will be paid half the travel allowance each. Late applications made after the start of the academic year will result in a reduction in the amount of grant available.

3. **How are applications for assistance assessed?**

Applications are assessed by officers of the Council's Transport and Travel Services Group. Full conditions of the scheme and details of how to apply are included in the Post-16 Travel Scheme booklet available at

www.nottinghamshire.gov.uk/schooltravel-post16

Students with Special Transport Needs

4. Who is eligible to join the scheme?

To join the scheme a student must:-

- be a Nottinghamshire County resident (excludes students resident in Nottingham City)
- be attending a full time course (a minimum of 540 guided learning hours per year over a period of at least 30 weeks) at a school (including Academies), college of further education or Independent Specialist Provider that is funded directly by the Education Funding Agency (the scheme does not apply to higher education courses or universities)
- be attending the nearest establishment that provides the chosen course and level of study

Age

Applicants must be:

- over the school leaving age (16) but under 19 years of age on 1 September 2015 or continuing to attend a course begun before they were 19 until it is completed or they reach 25 years of age,
- or
- aged between 19 and 24 on 1 September 2015 and have undergone a Learning Difficulty Assessment under section 139a of the Learning and Skills Act 2000, or be in receipt of an Education Health and Care Plan.

The three mile distance criterion will be waived for students who have been assessed by the County Council as having a special transport need.

5. How are applications for special transport assessed?

A special transport need is assessed by officers of the Children, Families and Cultural Services Department, based upon medical advice and other evidence (such as entitlement to the mobility component of the Disability Living Allowance or Personal Independence Payment) as required. A special transport need may arise where the student:

- is unable to walk or travel safely when accompanied to the special school, sixth form or college
- is unable to use public transport when accompanied.

6. What type of assistance is available?

If eligible, the Council will identify the most appropriate and cost effective travel solution for each student. The type of travel arrangements and additional support will depend on the student's needs and will normally be in the form of:

- adult support to access public transport services, or
- the provision of a minibus, taxi or wheelchair accessible vehicle, with adult support in addition to the driver where appropriate.

In exceptional circumstances a grant will be given in lieu of a travel pass. Where the Council agrees to parents/carers conveying their children to/from school/college using their own vehicle (for medical or other exceptional reasons), then a grant will be paid based on the shortest distance by car at the 'public transport rate' for a return journey in each direction.

Students assessed as requiring support will normally receive assistance to travel to and from the nearest suitable school, college or Independent Specialist Provider that can meet their educational and support needs. This will ensure the effective use of resources whilst promoting choice and managing public funds in a prudent manner. If students choose to attend provision further afield when a more local educational institution can meet their needs, assistance will not be provided.

Where special transport is provided this will normally be to and from a designated collection/drop off point located within one mile of the home address. A pick up and/or drop off at home will only be provided in exceptional circumstances; additional medical information may be required to support the request.

Transport services provide one journey to and from school/college at the start and the end of the day. Transport is not provided for students to travel other than to and from the designated pick-up/set down point, or to access off-site courses or activities.

Where a student is taken ill during the school day it is the responsibility of the parents/carers to make arrangements for the student to get home. The County Council will not provide transport assistance.

Where a student with special transport needs is placed in a residential care setting, including independent living, transport costs will be shared on a 50/50 basis with either Children's Social Care or Adults Social Care, as appropriate. It is the responsibility of Social Care (Children or Adults) to provide the appropriate expenditure codes prior to travel assistance being commissioned.

All students will be enabled to undertake independent travel training (ITT) unless they are assessed, by the County Council and student's school/college, as being unlikely to benefit from such training. Special transport provided by the County Council will not be available for students who choose not participate in the travel training programme. Students who have successfully completed the ITT programme will be enabled to make their journey to school/college independently. Special transport will not be provided for these students unless their circumstances have changed significantly.

The County Council operates the TITAN travel training programme and details of the programme can be obtained from www.nottinghamshire.gov.uk/travelling/travel/itt/

Full conditions of the travel scheme and details of how to apply are included in the Post-16 Travel Scheme booklet available at www.nottinghamshire.gov.uk/learning/schools/schooltravel/post-16-travel-assistance/

7. Right of Review

If a student is refused travel assistance, he/she may request a review of the decision. A request for a review must be made in writing, giving full details of the reason for the request, and sent together with any supporting information to:

The Transport Policy Development Officer, Children, Families and Cultural Services, Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP.

If travel assistance is approved but a student is not satisfied with the transport provided then he/she may ask for the provision to be reviewed. A request for a review must be made in writing, giving full details of the reason for the request, together with any supporting information, to:

Transport and Travel Services Group, Nottinghamshire County Council, Trent Bridge House, Fox Road, West Bridgford, Nottinghamshire NG2 6BJ

REPORT OF THE LEADER OF NOTTINGHAMSHIRE COUNTY COUNCIL**UPDATED BRAND POLICY****Purpose of the Report**

1. To update the Council's Brand Policy and outline the next steps for brand developments.

Information and Advice

2. Full Council approved the Council's first Corporate Identity Policy (**Appendix A**) on 26 January 2012, which established control over the brand for the first time. Previously, there had been more than 100 different logos in use and recognition of council services was poor, which was affecting customer perceptions of value for money and satisfaction with services.
3. Significant progress has been made to implement a stronger, more consistent visual identity or 'brand'. The single version of the brand is visible in all types of communications and everything the Council delivers, communicates or supports. This has included ensuring the brand is used consistently on building signage, vehicle livery, bus shelters, literature, stationery, uniforms and digital channels such as the website and social media.
4. Branding is not purely a case of a name or logo or how something looks. It fundamentally affects key customer perceptions as branding helps services to be identified and recognised. It therefore plays an important part in raising awareness of services, customer perceptions of value for money for their Council Tax and increasing overall satisfaction with the Council.

Current branding position

5. A strong brand which is prominent and consistently used has been achieved, with virtually full compliance with the updated brand. The updated brand has become part of business as usual and is built into service delivery through the use of templates and is reflected in the branding of assets.
6. Current recognition of the brand is good. In December 2014 a sample of service users was surveyed at a range of Council venues to measure awareness of the updated logo. The survey involved showing the updated logo and the two previous versions and asking service users to identify which they thought was the current County Council logo. Results from the 179 respondents showed that well over a half of people recognised the latest logo compared to just over a third when surveyed in 2012. The process for a brand to become established and gain full recall with its customers and stakeholders takes time - especially when

competing against older versions of its own brand. Therefore this is a positive result with such high recognition after just two years.

7. Increased recognition of council services, funding and involvement as a result of improved branding has resulted in improved reputation and customer satisfaction. Studies have shown that one of the key drivers of satisfaction is perceived value for money and how well informed people feel. In the 2014 Nottinghamshire Residents' Annual Satisfaction survey, 53% of people responded positively about 'feeling informed' (an increase of 10 percentage points from the 2008 Place Survey baseline); 47% agreed the Council provides 'good value for money' (an increase of 18 percentage points from the 2008 baseline); and overall satisfaction with the Council was 61% (an increase of 21 percentage points from the 2008 baseline). Improved branding has made a significant contribution to these improved key performance indicators.
8. This was confirmed through external recognition in 2012 at the Local Government Communications Reputation Awards – the Council was 'highly commended' in the category of Place Branding "for the authority that can best show how they have enhanced the reputation of the local area through successful place branding".
9. There are two significant developments which need attention to ensure that the Council's brand continues to be in a strong position:
 - Digital branding - ensuring that the same principles are applied to online (digital) branding as to offline branding. The many variations of digital systems and information, plus the fast moving nature of technology, means that digital branding can be more complex than branding offline items.
 - Future alternative service delivery models – where Council services are not delivered directly by the Council requires clear policies and processes to ensure the Council's contribution to funding or delivery of services is accurately reflected. For example, when considering models such as trusts, community benefit societies or joint ventures.
10. These key issues are reflected in the proposed Brand Policy.

Updated Brand Policy

11. The proposed Brand Policy (**Appendix B**), which replaces the original Corporate Identity Policy, outlines key principles for how the Council's brand is used and governed.
12. The Brand Policy complements the brand guidelines which is an operational working document that sets out the rules for how the brand is followed and applied. The Communications and Marketing team ensures the brand guidelines are kept up to date and correctly applied.
13. The key differences (updates) contained in the Brand Policy when compared with the original Corporate Identity Policy are highlighted below and have been marked in italics in the draft Brand Policy document:
 - **Brand values** – this new section includes brand values that support the three core values in the Council's Strategic Plan. They include being: Relevant, Trusted, Universal,

Authentic, Innovative, Modern, Customer-focused, Joined up, Engaging, Open and Transparent. These are explained further in the Brand Policy document.

- **Digital branding** - a paragraph has been included to reference the need for consistent digital branding which is dealt with in practice through regular reviews of the Council's brand guidelines.
- **Strategic approach to branding of alternative service delivery models** - this includes, but is not limited to, trusts, commissioned services, arms lengths companies and new joint ventures. The policy mentions that the Communications and Marketing service should be consulted at the earliest possible stage, that there may be a need for research and market testing in relation to new brand development and that appropriate wording regarding branding needs to be included in the contract for any alternative service delivery models. The Brand Policy provides the principles on which the brand guidelines will continue to be developed, to best reflect the branding relationship with other organisations

Next steps for brand development

County Boundary signs

14. A key area where the Council's brand has not been applied in a consistent way are the boundary signs that welcome people to Nottinghamshire. County boundary signs are important for 'place promotion' and the economic benefits of attracting businesses and visitors.
15. This signage is currently only replaced in its natural life cycle (this can be up to 20 years) and therefore the majority of boundary signage carries the Council's old branding. This will be reviewed, balancing any costs implications with reputational and economic impact in positioning Nottinghamshire as a great place to visit and do business.
16. There is also the potential for sponsorship to be considered as a way to offset some of the costs. This has been used by other local authorities.

Alternative service delivery models

17. Alternative service delivery models present a challenge for the Council's brand going forwards. Potential risks include the Council no longer being recognised as the provider or funder (reputational, value for money and customer satisfaction impact) and a new venture not being appropriately branded could negatively impact on retaining or securing new business (financial impact). There is also the risk of confusing the public about where accountability rests which would make it more difficult to support the values of being open and transparent.
18. The Brand Policy illustrates the principles that need to be considered and applied in relation to each alternative service delivery model and the specific relationship with all relevant partners. This will often require bespoke negotiations and the Communications and Marketing team should be consulted at the outset of negotiations for any new venture to support development of the principles and guidelines for any new or revised branding. Once agreed it is recommended that these will be detailed at the stage of preparing contracts to

ensure clarity, efficient partnership working and future protection of the Council's identity and reputation.

19. Where it is proven that a new venture will be operating in new or competitive marketplaces, it may be beneficial to develop a new brand to be used when seeking new business. Getting the brand right can be critical to the long-term success of any new venture as it needs to have high levels of recall and emotionally connect with clients, customers and employees. A strategic and systematic approach is recommended which develops a brand based on customer insight, market analysis and taking into account the strategic objectives and visions of the new venture. It is important to note that building up recognition for any new brand will take time and need promotion that will inevitably incur a cost for any new entity.
20. Consideration would also need to be given to how the new organisation's brand would work with the Council's brand and, importantly, which would take primacy within a range of different contexts.
21. Going forwards, the Brand Policy applied in conjunction with the brand guidelines will ensure the Council's brand has appropriate visibility with clear and consistent presentation of the branding relationship.

Financial Implications

22. The branding approach for the Council outlined in this paper will be delivered at no additional cost as part of business as usual.
23. Investment in specialist branding work may need to be considered as part of developing alternative service delivery models where this is appropriate – for example, when competing in new marketplaces.
24. The measurable impact of having a strong corporate identity (as shown by the 2014 Nottinghamshire Residents' Annual Satisfaction Survey results) is recognised but this is likely to become particularly important as the Council develops new and complex relationships to deliver services in different ways.
25. Any future investment in bespoke branding needs to represent good value for money and be proportionate to business objectives.

Reason/s for Recommendation/s

1. To ensure that the Council's brand remains strong, prominent and consistent in order to ensure continued progress with recognition of council services and residents feeling more informed, satisfied and feeling that the Council provides good value for money.
2. To ensure that any alternative service delivery models are branded appropriately to be both operationally effective and reflect the contribution made by/the relationship with the Council.

RECOMMENDATION/S

It is recommended that Policy Committee:

- 1) Notes the progress made to consolidate the brand over the past two years and the resulting contribution to key customer satisfaction measures.
- 2) Approves the new Brand Policy (an update to and replacement of the former Corporate Identity Policy).
- 3) Agrees that county boundary signs are reviewed further in terms of any potential economic impact with a report brought back before Policy Committee

Background documents

None

Appendix A – original Corporate Identity Policy
Appendix B – proposed new Brand Policy

Alan Rhodes
Leader of the Council

For any enquiries about this report please contact: Martin Done

Constitutional Comments [GR 30/04/15]

1. The Policy Committee has the delegated authority to receive and note the contents of this report [GR 30/04/15]

Financial Comments [SES 30/4/15]

2. The financial implications are set out in the report

Background Papers and Published Documents

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

- 'None

Electoral Division(s) and Member(s) Affected

- All



Appendix A

Corporate Identity Policy

Introduction

1. Nottinghamshire County Council's corporate identity is the visual embodiment of who we are, how people recognise us and the services we offer.
2. Consistent use of our corporate identity is important for recognition of Nottinghamshire County Council. It also plays an important part in our reputation and overall satisfaction with the council.

What is Nottinghamshire County Council's brand?

3. Our corporate identity includes our name Nottinghamshire County Council and our logo.
4. Our corporate identity is visible in everything that we do – from the uniforms worn by staff and our letterhead, to the leaflets we produce about services and signage on our buildings.
5. Our values are part of our corporate identity and are set out in our Strategic Plan commitments. They include:
 - Respect
 - Integrity
 - Customer focus
 - Responsibility
 - Commitment (including commitment to good quality services)

Scope

6. Our Corporate Identity Guidelines set out the rules which ensure consistent use of our logo and the design features (e.g. colours, fonts etc) which are part of our visual language.
7. This policy outlines the key principles of Nottinghamshire County Council's corporate identity, how it should be used and governed. It is part of our corporate Communications and Marketing Strategy and supports the Customer Service Strategy.

A strong, effective corporate identity

8. In addition to improving our reputation and overall satisfaction with Nottinghamshire County Council, consistent use of our corporate identity across all communications will achieve:

- **Public accountability** – to taxpayers, voters, residents, businesses
- **Instant recognition** - of the services we provide (either directly or indirectly)
- **Awareness** of our values, promises and priorities – outlined in our Strategic Plan
- **Effective communications** – through better information provision, clearer messages and imagery
- **Customer loyalty** – repeat use of our services and attendance at our venues or events
- **A higher profile** – important for partnership working, economic prosperity and improved perceptions of the Council
- **Value for money** – through brand governance (Brand Gateway)
- **Pride** in Nottinghamshire County Council – which supports employee motivation

Promises and priorities

9. Underpinning our corporate identity is the key promises and priorities outlined in our strategic plan. These are the things which guide everything that we do. Our corporate identity tells our customers that we will:

- **Lead Nottinghamshire:** we will play a full part in leading Nottinghamshire making it a place where businesses want to invest; tourists want to visit and stay; where people want to live and feel safe. These are our goals and we will work together with our partners to achieve them.
- **Deliver good services:** we will consult, listen and act on what the public tell us about the services they use. We will work with other organisations to make public sector services in Nottinghamshire as seamless as possible. We will ensure all our services are good quality and provide value for money.
- **Be an efficient Council:** we will be a council that is cost effective in how it is run and removes inefficiencies. We will reduce our running costs substantially to allow more to be spent on delivery of services.

Endorsement

10. Nottinghamshire County Council often works with other organisations to deliver a product, service or initiative. In these instances our corporate identity must always be shown.
11. To ensure the details of the relationship are clear, a set of rules detailing how to visually represent the various relationships has been set out in the Corporate Identity Guidelines.
12. Where Nottinghamshire County Council is part of statutory partnership, its contribution should be appropriately recognised. This may include use of the Council's logo.

13. Whenever Nottinghamshire County Council is funding or commissioning a service, the use of our corporate identity must be included from the outset. Appropriate wording should be used as part of any tender, procurement or contract documentation. In every instance, further advice on this must be sought via the Communications and Marketing service.
14. The Corporate Identity Guidelines also contains a section on corporate identity hierarchy. There are a small number of services provided by Nottinghamshire County Council which are able to keep their identities, alongside our corporate identity. These are normally trading services with a reach outside of Nottinghamshire. In this instance, the relationship with the County Council must be clearly communicated. Refer to the Corporate Identity Guidelines for details.

Governance

15. The Communications and Marketing service is responsible for governing the Council's corporate identity.
16. The Communications and Marketing service will provide some pre-approved templates. Any other use of the Council's corporate identity must be approved by the Communications and Marketing service. This includes any use of our corporate identity by partners or third parties.
17. The Communications and Marketing service will ensure:
 - Consistent use of Nottinghamshire County Council's corporate identity in line with our Corporate Identity Guidelines
 - Savings are made through the central procurement of design and print (the Communications and Marketing service will commission all design and print work)
 - Best value for money is achieved through any communications which use our corporate identity (including the Council's logo)
18. All purchasing and commissioning of graphic design services must take place through the Graphics team (part of the Communications and Marketing service). Where architects or designers are employed on projects to refurbish or rebuild venues, or when a new build is taking place - the Communications and Marketing service must be advised at the earliest possible stage to ensure the Council's corporate identity is used appropriately.

Further information

19. For any queries about our corporate identity or this policy, contact the Communications and Marketing service.

This policy was approved by Nottinghamshire County Council on 26 January 2012.



Appendix B

Text shown in italics highlights the main changes/additions to the original Corporate Identity Policy.

Brand policy

1. This policy outlines the key principles of Nottinghamshire County Council's brand, including how our brand is used and governed. It replaces the Council's original Corporate Identity Policy (dated January 2012).
2. This policy directly supports the Council's Strategic Plan and a number of other corporate strategies including the Communications and Marketing Strategy and Customer Access Strategy.

Our brand

3. Branding is not purely a case of a name or logo or how something looks, it is also what makes us unique and distinctive. Our brand represents and is a physical embodiment of the Council, so is part of the whole customer experience.
4. The Council's brand is also visible in all types of communications and everything we do – including the uniforms worn by employees, our letterhead, our website, information we produce about services, signage on our buildings and our vehicles.

Branding matters

5. It is important to ensure that customers can recognise Nottinghamshire County Council services by having a strong brand which is consistently used. Branding directly affects customer perceptions of value for money, through increased awareness of the range of services which are paid for by their Council Tax.
6. Our brand is the foundation for everything and evokes both customer association and reaction (whether positive or negative). Therefore branding plays an important part in our reputation and overall satisfaction with the Council.
7. In addition, our brand is part of and impacts on:

- a. Public accountability – to taxpayers, voters, residents, businesses
- b. Instant recognition - of the services we provide (either directly or indirectly)
- c. Awareness of our values, promises and priorities – outlined in our Strategic Plan
- d. Effective communications – through better information provision, clearer messages and imagery
- e. Customer loyalty – repeat use of our services and attendance at our venues or events
- f. A higher profile – important for partnership working, economic prosperity and improved perceptions of the Council
- g. Value for money – through brand governance
- h. Pride in Nottinghamshire County Council – which supports employee motivation

Our brand ethos

8. *As explained in points 3 and 4 above, the Council's brand is more than just its logo and represents the total customer experience at each touch point when people interact with our services. Customer experience and perception is shaped from these interactions and in turn forms people's overall level of satisfaction with the Council.*
9. *Our brand ethos helps make the strategic vision of the organisation a reality to our customers through a consistent and professional approach in the way we look and speak to our customers.*
10. *Our brand ethos reflects the three core values in the Council's Strategic Plan – fairness, value for money and working together.*
11. *Nottinghamshire County Council's brand ethos includes ten key characteristics:*
 - **Relevant** - *we deliver information and services that meet local people's needs and encourage participation in the local community.*
 - **Trusted** - *we provide high standards of public service which are reliable and valued by generations of Nottinghamshire families.*
 - **Universal** - *we ensure services are fair, accessible and tailored to the local population's (and where possible the individual's) needs.*
 - **Authentic** - *we communicate in a way which is authentic, human and warm no matter what context from authoritative to entertaining.*
 - **Innovative** - *we take a new and exciting approach to anticipate and satisfy customer needs.*
 - **Modern** - *we deliver contemporary, efficient and affordable services which lead the way in best practice.*

- **Customer** - we start with customer needs and include customer feedback as a key part of measuring success.
- **Joined up** - we work with partners to join up services where it makes sense, while always reflecting clear accountability and ownership.
- **Engaging** - we listen to, involve and engage residents to improve services and support local democracy.
- **Open and transparent** - our default position is to be publicly accountable at all times.

Brand Guidelines

12. The Council's Brand Guidelines sets out the rules which must always be followed and applied. This document ensures:
 - Consistent use of the brand, logo and design features (e.g. colours, fonts etc) both online and offline
 - The correct and most appropriate version of our brand is used for a particular purpose
13. The Council's brand will always be used as the primary brand for directly provided Council services.
14. Our brand should always be reflected appropriately when we work with other organisations (e.g. to deliver a product, service or initiative).
15. The Brand Guidelines ensure that the details of the branding relationship with other organisations is always clear and includes:
 - a flow chart which helps determine the decision making process for how the Council's brand should be used
 - a description of the five categories which reflect the different types of branding relationship the Council has with other organisations
 - the five versions of the Council's brand mark which reflect the wording that best describes the particular nature of these relationships.
16. No deviation from Brand Guidelines is allowed unless by specific business exception given by the Communications and Marketing team and potentially political/other sign off as appropriate.
17. The Brand Guidelines include reference to a small number of services which are able to use their own identity as a secondary identifier to the Council's primary brand. These are normally trading services with a reach outside of Nottinghamshire. In this instance, the relationship with the County Council must again be clearly communicated in line with Brand Guidelines.

Branding principles for alternative service delivery models

18. *Alternative service delivery models includes but is not limited to trusts, commissioned services, arms lengths companies and new joint ventures.*

19. *A strategic approach to branding of alternative service delivery models will be taken. This may include the need for research and market testing.*
20. *The Communications and Marketing service should be consulted at the earliest possible stage of the proposal for advice.*
21. *Appropriate wording in relation to branding is particularly important when the Council is considering an alternative service delivery model. Branding needs to be appropriate and reflect the nature of the Council's contribution to/relationship in a new entity. This should include consideration of existing Council assets across all channels (e.g. online and offline).*
22. *Branding principles should be included as part of contract negotiations and detailed as part of the contract itself. Consideration needs to be given to the practical application of branding to ensure the Council's reputational interests are safeguarded. In every instance, further advice on this must be sought via the Communications and Marketing service at the earliest possible stage.*
23. *The ongoing development and use/application of our brand – and the development of any new brands which involve the Council – should represent good value for money and be proportionate to business objectives.*

Other brand considerations

24. *Due to the technical requirements involved and the fast moving nature of digital communications, more variations of our brand may be required online. This will be developed in a consistent and planned way that is always updated in our Brand Guidelines.*
25. Old versions of the Council's brand (pre-dating January 2012) have largely been replaced. Any remaining historic examples should be replaced unless the costs are excessive and the resources required would not represent good value for money.

Use of the Council's brand by partners or third parties

26. Use of the Council's brand (including the logo) by a partner agency or third party organisation must be approved by the Communications and Marketing service.
27. Where architects or designers are employed on projects to refurbish or rebuild venues - or when a new build is taking place - the Communications and Marketing service must be advised at the earliest possible stage to ensure the Council's brand is used appropriately and sign off any designs from a brand perspective.
28. Where there is a need for an external organisation to provide a service in relation to any type of branding (e.g. on websites, vehicle wraps etc), this must be commissioned by the Council's Communications and Marketing service.

29. *When an external organisation leads on developing a new brand for which the Council is a partner or the client, the Council's Communications and Marketing service must be involved at the earliest possible stage and be involved in the sign-off process from a brand and reputation point perspective.*

Brand governance and sign-off

30. The Communications and Marketing service is responsible for governing the Council's brand and maintaining the Council's Brand Guidelines.
31. The Communications and Marketing service ensures:
- Consistent use of the Council's brand in line with our Brand Guidelines
 - Savings and efficiencies are made through the central procurement of design and print (the Communications and Marketing service will commission all design and print work)
 - Best value for money is achieved through any communications which use our brand
32. With the exception of any pre-approved branded templates (e.g. letterhead, report writing template, powerpoint slide etc.), any use of the Council's brand (including the logo) must be approved by the Communications and Marketing service.
33. All purchasing and commissioning of graphic design and print services must take place through the Council's graphics and print team, which works closely with the Communications and Marketing service to ensure Brand Guidelines are upheld. In (contractual) exceptions to this when artwork is produced by a partner (or its agency) then final artwork must still be approved by the Communications and Marketing service.

Further information

34. For any queries about our brand, Brand Guidelines or this policy – please contact the Council's Communications and Marketing service.

Agenda Item: 11**REPORT OF THE LEADER****COUNTY COUNCIL CIVIC SERVICE****Purpose of the Report**

1. To seek approval for hospitality at the County Council Civic Service at Southwell Minster on Sunday, 28 June 2015 at 3.00 pm.

Information and Advice

2. Each year the County Council holds a Civic Service in order to formally mark the start of the Chairman's year in office and to help raise awareness of the Chairman's chosen charity.
3. Representatives from the Clergy, Parish/Town Councils, Magistrates, Lord Lieutenant, High Sheriff, County Coroner, Civic Heads, Members of Nottinghamshire County Council, District/Borough Councils, Chief Executives within Nottinghamshire. Representatives from the Chairman's chosen charity and the parents/guardians of the young performers involved in the Service are also invited to attend.
4. Hospitality is provided at the discretion of the Chairman, with refreshments served at The Minster after the service.

Other Options Considered

5. Different options for holding the Civic Service are available. The proposed event is felt to be the most appropriate option for the 2015 Service.

Reason/s for Recommendation/s

6. To provide hospitality for guests at the Civic Service.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

The estimated cost of holding the Civic Service would be £2,000 as detailed in the table below to be met from the County Hospitality budget.

Item	Cost
Hire of hall for rehearsals	£300 (if required)
Hire of Southwell Minster, organist & staffing	£400
Refreshments following Civic Service	£900
Printing of Order of Service	£300
Refreshments for performers	£100
TOTAL	£2,000

RECOMMENDATION/S

- 1) That approval be given to the estimated costs of £2,000 in connection with the Civic Service on 28 June 2015 at Southwell Minster being met from the County Hospitality budget.

Councillor Alan Rhodes
Leader of the County Council

For any enquiries about this report please contact:

Alison Fawley, Democratic Services

Constitutional Comments (SLB 30/4/2015)

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

Financial Comments (SS 30/4/2015)

9. The financial implications are set out in 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

**REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2014/15.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, committees are expected to review day to day operational decisions made by officers using their delegated powers. Such decisions will be included in the work programme on an annual basis and as specific decisions of interest arise.
5. 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

6. None.

Reason/s for Recommendation/s

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

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, ways of working, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the Committee's work programme be noted, and consideration be given to any changes which the Committee wishes to make.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services T: (0115) 9772590 E: keith.ford@nottsc.gov.uk

Constitutional Comments (SLB)

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

Financial Comments (NS)

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

Background Papers

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

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 12 MAY 2015)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
17 June 2015			
Results of public consultation on charging for Deferred Payment Agreements and Brokerage for self-funders	To approve the charges for Deferred Payment Agreements and Brokerage.	David Pearson	Jackie Brown
Boundary Review update	Consideration of draft recommendations from Boundary Commission	Jayne Francis-Ward	Keith Ford
Complaints and Information Update	Summary of complaints, FOI/EIR, and compliments received and outcomes	Celia Morris	Jo Kirkby
Digital First Update - Social Media Strategy and new website	Update on Digital First project progress that includes a new social media strategy and the launch of public testing of the new website.	Martin Done	Clare Yau
Direct Payments Policy	To seek approval for the new policy.	David Pearson	Gill Vasilevskis
Looked After Children and Care Leavers Strategy 2015-18	To seek approval for the revised Strategy.	Derek Higton	Dawn Godfrey
Annual Delivery Plan 2014-15 – Quarter 4	Progress report on performance against priorities	Celia Morris	Matthew Garrard
National Children and Adult Services Conference 2015	To seek approval for Members to attend the conference on 14-16 October 2015	Derek Higton / David Pearson	Philippa Milbourne
15 July 2015			
Internal Communications	To update on a new recommended approach to employee communications and engagement.	Martin Done	Clare Yau
Redefining Your Council	Evaluation of first phase of new transformation framework.	Anthony May	
Senior Leadership Team	To seek approval for restructuring proposals.	Anthony May	
Rural Services Network	To review the Council's membership of this special interest group (as approved by Policy Committee in June 2014)	Jayne Francis-Ward	Heather Stokes

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
Discretionary Payments towards the provision of major adaptations to service users' homes	To seek approval of the policy and process guidance to support and manage discretionary payments towards the cost of major adaptations in service users' homes where the recommended adaptation work exceeds the Government's Disabled Facilities grant of £30,000.	Derek Higton	Katie Marsden / Steve Edwards
Accessibility Strategy	Approval of strategy.	Derek Higton	
9 September 2015			
Annual Delivery Plan 2015-16	Consideration of key actions and measures to support delivery of the Council's strategic plan priorities in 2015-16.	Celia Morris	Matthew Garrard
Boundary Review update	Consideration of final recommendations from Boundary Commission	Jayne Francis-Ward	Keith Ford
Digital First Update	Update on the Digital First project including the launch of the new website and associated customer journeys.	Martin Done	Martin Done
7 October 2015			
The Nottingham and Nottinghamshire Combined Authority and the D2N2 Devolution Prospectus	Further update report on the Combined Authority status application (as per decision of Policy Committee on 22 April 2015).	Celia Morris	Matthew Lockley
11 November 2015			
9 December 2015			