

SUMMONS TO COUNCIL

date Thursday, 24 November 2016 venue County Hall, West Bridgford,
commencing at 10:30 Nottingham

You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as under.



Chief Executive

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| 1 | Minutes of the last meeting held on 15 September 2016 | 9 - 28 |
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| 2 | Apologies for Absence | |
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| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Chairman's Business
a) Presentation of Awards/Certificates (if any) | |
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| 5 | Constituency Issues (see note 4) | |
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| 6a | Presentation of Petitions (if any) (see note 5 below) | |
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| 6b | Responses to Petitions Presented to the Chairman of the County Council | 29 - 40 |
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	b) Questions to Committee Chairmen	
12	NOTICE OF MOTIONS	

MOTION ONE

“This Council deplores the planned central government cuts to funding for pharmacies which could lead to the closure of 3000 community pharmacies across the country.

The result, upon the people of Nottinghamshire, of such a short-sighted policy would be devastating in terms of access to medical care, social cohesion and community life. It would also result in an increasing, and unsupportable, pressure on both General Practitioner appointment, and Accident and Emergency waiting, times.

Therefore, this Council calls upon the Government not to implement the planned reductions in funding to pharmacies and, further,

a) pledges our support for the campaign of the National Pharmacy Association (NPA) against the planned reductions.

b) agrees to contact the Leaders of all District and Borough councils in Nottingham seeking their support, and that of their authorities, for the NPA campaign.

c) agrees to contact all Nottinghamshire Members of Parliament seeking similar support.”

Councillor John Wilkinson

Councillor Alan Rhodes

MOTION TWO

“The Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively ‘prohibit a local authority from forming a company for the purposes of providing a local bus service’

That the Localism Act (2011) provides general powers of competence to local authorities

That municipal bus companies like Nottingham provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services

Nottinghamshire County Council believes that:

Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011

If there is a need and a demand from the residents, then Councils should be able to provide their own bus service

Councils should be legally able to follow the model developed by Nottingham.

Consequently Clause 21 should be omitted from the Bus Service Bill

This Council resolves:

Nottinghamshire County Council will write to Lord Ahmad and call on the Department for Transport to omit Clause 21 from the final legislation.

To write to all Nottinghamshire Members of Parliament to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write Lord Ahmad and the Department of Transport to raise concerns about Clause 21.”

Councillor Steve Calvert

Councillor Steve Carr

MOTION THREE

That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”.

That the Localism Act (2011) provides general powers of competence to local authorities.

That municipal bus companies like Reading and Nottingham provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services.

That polling by We Own It found that a majority of the public (57%) oppose clause 21, whilst just 22% support it. The opposition to Clause 21 is consistent across voters from all political parties.

This Council believes:

Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.

If there is a need and a demand from their public, then Councils should be able to provide their own bus services.

Should they wish, Councils should be legally able to follow the model developed by Reading and Nottingham.

Consequently Clause 21 should be omitted from the Bus Services Bill.

This council resolves:

To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation.

To write to local MP's to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.

To work with any organisations such as we own it to publicise our opposition to clause 21 in local media.

Councillor Rachel Madden

Councillor David Martin

13 ADJOURNMENT DEBATE
(if any)

Notes:-

(A) For Councillors

(1) Members will be informed of the date of their Group meeting for Council by their Group Researcher.

(2) The Chairman has agreed that the Council will adjourn for lunch at their discretion.

(3) (a) Persons making a declaration of interest should have regard to the Code of Conduct and the Procedure Rules for Meetings of the Full Council. Those declaring must indicate whether their interest is a disclosable pecuniary interest or a private interest and the reasons for the declaration.

(b) Any member or officer who declares a disclosable pecuniary interest in an item must withdraw from the meeting during discussion and voting upon it, unless a dispensation has been granted. Members or officers requiring clarification on whether to make a declaration of interest are invited to contact the Monitoring Officer or Democratic Services prior to the meeting.

(c) Declarations of interest will be recorded and included in the minutes of this meeting and it is therefore important that clear details are given by members and others in turn, to enable Democratic Services to record accurate information.

(4) At any Full Council meeting except the annual meeting, a special meeting and the budget meeting, Members are given an opportunity to speak for up to three minutes on any issues which specifically relates to their division and is relevant to the services provided by the County Council. These speeches must relate specifically to the area the Member represents and should not be of a general nature. They are constituency speeches and therefore must relate to constituency issues only. This is an opportunity simply to air these issues in a Council meeting. It will not give rise to a debate on the issues or a question or answer session. There is a maximum time limit of 30 minutes for this item.

(5) Members are reminded that petitions can be presented from their seat with a 1 minute time limit set on introducing the petition.



Meeting COUNTY COUNCIL

Date Thursday, 15th September 2016 (10.30 am – 4.53 pm)

Membership

Persons absent are marked with 'A'

COUNCILLORS

Yvonne Woodhead (Chairman)

Mike Pringle (Vice-Chairman)

	Reg Adair	David Kirkham
	Pauline Allan	John Knight
	Roy Allan	Darren Langton
	John Allin	Bruce Laughton
	Chris Barnfather	Keith Longdon
	Alan Bell	Rachel Madden
	Joyce Bosnjak	David Martin
	Nicki Brooks	Diana Meale
	Andrew Brown	John Ogle
	Richard Butler	Philip Owen
	Steve Calvert	Michael Payne
A	Ian Campbell	John Peck JP
	Steve Carr	Sheila Place
	Steve Carroll	Liz Plant
	John Clarke	Darrell Pulk
	John Cottee	Francis Purdue-Horan
	Jim Creamer	Alan Rhodes
A	Mrs Kay Cutts MBE	Ken Rigby
	Maureen Dobson	Tony Roberts MBE
	Dr John Doddy	Mrs Sue Saddington
	Boyd Elliott	Andy Sissons
	Sybil Fielding	Pam Skelding
	Kate Foale	Parry Tsimbiridis
	Stephen Garner	Keith Walker
	Glynn Gilfoyle	Stuart Wallace
	Kevin Greaves	Muriel Weisz
	Alice Grice	Gordon Wheeler
	John Handley	John Wilkinson
	Colleen Harwood	Jacky Williams
	Stan Heptinstall MBE	John Wilmott
	Tom Hollis	Liz Yates
	Richard Jackson	Jason Zadrozny
	Roger Jackson	

HONORARY ALDERMEN

Terence Butler
John Carter

OFFICERS IN ATTENDANCE

Anthony May	(Chief Executive)
Jayne Francis-Ward	(Resources)
David Pearson	(Adult Social Care & Health)
Colin Pettigrew	(Children, Families and Cultural Service)
Jas Hundal	(Place)
Barbara Brady	(Public Health)
Sara Allmond	(Resources)
Carl Bilbey	(Resources)
Martin Done	(Resources)
Catherine Munro	(Resources)
Anna O'Daly-Kardasinska	(Resources)
Nigel Stevenson	(Resources)
Michelle Welsh	(Resources)

OPENING PRAYER

Upon the Council convening, prayers were led by the Chairman's Chaplain.

1. MINUTES

RESOLVED: 2016/036

That the minutes of the last meeting of the County Council held on 4th July 2016 be agreed as a true record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:-

Councillor Ian Campbell (other reasons)
Councillor Mrs Kay Cutts MBE (other reasons)

An apology for absence was also received from Councillor John Cottey (other County Council Business) who would be arriving late.

3. DECLARATIONS OF INTEREST

There were no declarations of interest

4. CHAIRMAN'S BUSINESS

BINGHAM BY-ELECTION RESULT

RESOLVED: 2015/037

That the outcome of the by-election held in the Bingham Division be noted.

5. CONSTITUENCY ISSUES

The following Members spoke for up to three minutes on issues which specifically related to their division and were relevant to the services provided by the County Council.

Councillor John Wilmott – concerns raised with him by residents of Hucknall

Councillor Maureen Dobson – lack of reliable broadband and landline provision in parts of Collingham

Councillor Philip Owen – property maintenance in his division

Councillor Roger Jackson – public transport in rural villages within his division

Councillor Stuart Wallace – illegal tipping of waste on Bowbridge Road, Newark

Councillor Sue Saddington – changes to bus services in her division

Councillor John Wilkinson – Hucknall Town Centre improvements

6a. PRESENTATION OF PETITIONS

The following petitions were presented to the Chairman as indicated below:-

- (1) Councillor Tom Hollis regarding winter provision for the Whitegates Way estate and Sudbury Drive
- (2) Councillor Jacky Williams regarding traffic management on Brookhill Street, Stapleford
- (3) Councillor Joyce Bosnjak regarding maintenance of the Millennium Green, Mansfield Woodhouse
- (4) Councillor Gordon Wheeler regarding parking issues and poor conditions of the roads following the opening of the Grand Care Home, West Bridgford

- (5) Councillor Tony Roberts MBE request for road resurfacing from residents of Woodlands Close, Newark
- (6) Councillor Boyd Elliott regarding resurfacing a road in Woodborough
- (7) Councillor Reg Adair from residents objecting to the planning application for a materials recycling facility at Bunny
- (8) Councillor Andrew Brown regarding traffic issues in Stanford-on-Soar
- (9) Councillor John Wilmott requesting the resurfacing of Green Close, Hucknall
- (10) Councillor Kevin Greaves regarding a request for a permit parking area on Canal Road, Worksop
- (11) Councillor David Kirkham requesting a review of the traffic calming measures in place through the Carsic estate
- (12) Councillor Keith Longdon requesting the relocation of a bus stop on Newthorpe Common

RESOLVED: 2016/038

That the petitions be referred to the appropriate Committees for consideration in accordance with the Procedure Rules, with a report being brought back to Council in due course.

Having previously submitted his apologies Councillor John Cottee arrived at the meeting at 11.09am during consideration of this item.

6b. RESPONSE TO PETITION PRESENTED TO THE CHAIRMAN OF THE COUNTY COUNCIL

RESOLVED: 2016/039

That the contents and actions taken as set out in the report be noted.

7. CLARIFICATION OF MINUTES

The report provided Members with the opportunity to raise matters of clarification in the minutes of committee meetings published since the last meeting.

8. NOTTINGHAMSHIRE YOUTH JUSTICE STRATEGY ANNUAL UPDATE

Councillor John Peck JP introduced the report and moved a motion in terms of resolution 2016/040 below.

The motion was seconded by Councillor Liz Plant.

RESOLVED: 2016/040

That the annual update of the Youth Justice Strategy 2015-18 be approved

9. STATEMENT OF ACCOUNTS 2015/16

Councillor David Kirkham introduced the report and moved a motion in terms of resolution 2016/041 below.

The motion was seconded by Councillor Darren Langton.

RESOLVED: 2016/041

- 1) That the contents of the Annual Governance Report be noted.
- 2) That the letter of representation be approved
- 3) That the Statement of Accounts 2015/16 be approved.

10. QUESTIONS

(a) QUESTIONS TO NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY

One question had been received as follows:-

- 1) from Councillor Tom Hollis regarding any potential takeover of the Fire Authority by the Police and Crime Commissioner (Councillor Darrell Pulk replied)

The full response to this question is set out in Appendix A to these minutes.

(b) QUESTIONS TO COMMITTEE CHAIRMAN

Six questions had been received as follows:-

- 1) from Councillor Roger Jackson regarding Better Broadband for Nottinghamshire (Councillor Diana Meale replied)
- 2) from Councillor Richard Jackson about cyclist safety on tram tracks (Councillor Kevin Greaves replied)
- 3) from Councillor John Wilmott regarding hospital discharges (Councillor Muriel Weisz replied)

- 4) from Councillor Stuart Wallace concerning sewage works in Newark (Councillor Kevin Greaves replied)
- 5) from Councillor Jason Zadrozny regarding the school admissions policy (Councillor John Peck JP replied)

The full responses to these questions are set out in set out in Appendix B to these minutes.

The time limit of 60 minutes allowed for questions was reached before the following question was asked. A written response to the question would be provided to the Councillor who asked the question within 15 working days of the meeting and be included in the papers for the next Full Council meeting.

- 6) from Councillor Jason Zadrozny about joint strategic planning with Nottingham City Council (Councillor Kevin Greaves replied)

Council adjourned from 12.49pm to 1.54pm.

11. NOTICE OF MOTIONS

MOTION ONE

Councillor Alice Grice introduced and moved the motion in terms of resolution 2016/42 below.

The motion was seconded by Councillor Joyce Bosnjak.

Following a debate the motion was put to the meeting and after a show of hands the Chairman declared it was carried.

The requisite number of Members requested a recorded vote and it was ascertained that the following 45 Members voted '**For**' the motion:-

Pauline Allan	Glynn Gilfoyle
Roy Allan	Kevin Greaves
John Allin	Alice Grice
Alan Bell	Colleen Harwood
Joyce Bosnjak	Stan Heptinstall MBE
Nicki Brooks	Tom Hollis
Steve Calvert	David Kirkham
Steve Carr	John Knight
Steve Carroll	Darren Langton
John Clarke	Keith Longdon
Jim Creamer	Rachel Madden
Maureen Dobson	David Martin
Sybil Fielding	Diana Meale
Kate Foale	Michael Payne
Stephen Garner	John Peck JP

Sheila Place
Liz Plant
Mike Pringle
Darrell Pulk
Alan Rhodes
Ken Rigby
Andy Sissons
Pam Skelding

Parry Tsimbiridis
Muriel Weisz
John Wilkinson
Jacky Williams
John Wilmott
Yvonne Woodhead
Jason Zadrozny

No members voted '**Against**' the motion.

The following 20 members '**Abstained**' from the vote:-

Reg Adair
Chris Barnfather
Andrew Brown
Richard Butler
John Cottee
Dr John Doddy
Boyd Elliott
John Handley
Richard Jackson
Roger Jackson

Bruce Laughton
John Ogle
Philip Owen
Francis Purdue-Horan
Tony Roberts MBE
Sue Saddington
Keith Walker
Stuart Wallace
Gordon Wheeler
Liz Yates

The Chairman declared that the motion was carried and it was:-

RESOLVED: 2016/042

Nottinghamshire County Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women, including many in Nottinghamshire, had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little or no personal notification of the changes. Some women had only two years' notice of a six year increase to their State Pension Age.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60.

It is not the pension age itself that is in dispute – it is widely accepted that women and men should retire at the same time. The issue is that the rise in

the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

Nottinghamshire County Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

Motion Two

Councillor Kate Foale introduced and moved the motion in terms of resolution 2016/43 below.

Councillor Ken Rigby seconded the motion.

Following a debate the motion was put to the meeting and after a show of hands the Chairman declared it was carried.

The requisite number of Members requested a recorded vote and it was ascertained that the following 37 Members voted '**For**' the motion:-

Pauline Allan	John Knight
Roy Allan	Darren Langton
John Allin	Keith Longdon
Alan Bell	Diana Meale
Joyce Bosnjak	Michael Payne
Nicki Brooks	John Peck JP
Steve Calvert	Sheila Place
Steve Carr	Liz Plant
Steve Carroll	Mike Pringle
John Clarke	Darrell Pulk
Jim Creamer	Alan Rhodes
Sybil Fielding	Ken Rigby
Kate Foale	Pam Skelding
Glynn Gilfoyle	Parry Tsimbiridis
Kevin Greaves	Muriel Weisz
Alice Grice	John Wilkinson
Colleen Harwood	Jacky Williams
Stan Heptinstall MBE	Yvonne Woodhead
David Kirkham	

The following 26 members voted '**Against**' the motion:-

Reg Adair	Dr John Doddy
Chris Barnfather	Boyd Elliott
Andrew Brown	Stephen Garner
Richard Butler	John Handley
John Cottee	Tom Hollis

Richard Jackson
Roger Jackson
Bruce Laughton
Rachel Madden
David Martin
John Ogle
Philip Owen
Francis Purdue-Horan

Tony Roberts MBE
Sue Saddington
Andy Sissons
Keith Walker
Stuart Wallace
Gordon Wheeler
Liz Yates
Jason Zadrozny

The following 2 members '**Abstained**' from the vote:-

Maureen Dobson
John Wilmott

The Chairman declared that the motion was carried and it was:-

RESOLVED: 2016/043

Nottinghamshire County Council is against the introduction of Grammar Schools as it would entrench privilege and there is no evidence that they increase social mobility.

The introduction of Grammar Schools would introduce divisive selection. We need an inclusive, strategically planned school system that enables every child to thrive, learn and prosper.

Nottinghamshire County Council needs to be able to play a full part in providing good schools where and when they are needed in Nottinghamshire.

This Council will write to the Secretary of State for Education and the Prime Minister urging them not to introduce Grammar Schools in Nottinghamshire.

12. ADJOURNMENT DEBATE

None

The Chairman declared the meeting closed at 4.53 pm.

CHAIRMAN

APPENDIX A

COUNTY COUNCIL MEETING HELD ON 15TH SEPTEMBER 2016 QUESTIONS TO THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY

Question to the Nottinghamshire and City of Nottingham Fire Authority from Councillor Jason Zadrozny

Would the Chairman of the Fire Authority take this opportunity to outline for members of the County Council the implications as he sees them of the potential takeover of the Fire Authority by the Police and Crime Commissioner?

What is the soonest time frame legislation would allow this to happen should the PCC make a formal request?

Response from Councillor Darrell Pulk, Chairman of the Nottinghamshire and City of Nottingham Fire Authority

In answering the question I will allude to the governance structure of the Fire Authority which will help explain and give clarity to Members regarding the difference between that and the Police.

The combined Fire and Rescue Authority has statutory responsibilities for both the strategic and operational elements of all fire and rescue functions. The fire service is governed in all aspects by the members of the Authority. This is not the same within the police force, where the Chief Constable is recognised in statute as having accountability for the operational delivery of police powers; a totally different situation.

To ensure the Authority fully discharges its widening range of responsibilities, it has governance arrangements that consist of 18 elected members, 12 from this Council and 6 from the City Council. As well as the four meetings per year of the Full Authority there is a committee structure in place that ensures that all members are fully engaged in the development of policy and the scrutiny of all functions. These meetings are also held in public and the minutes are published on the City Council website.

The governance structure works well to provide a highly performing and motivated service that has effectively delivered £11 million of savings over the past six years, whilst at the same time managed risk and maintained high levels of public confidence. The Police and Crime Bill, which is the legislation that would enable Police and Crime Commissioners to become the Fire and Rescue Authority is still working its way through Parliament. I believe, it went through the House of Lords, either yesterday or today. The Bill has not yet been passed.

Until such time as the Bill receives Royal Assent, it is not possible to say, with any degree of certainty when this might happen, but current indications are that it is likely to be towards the end of this year or early 2017.

To enable the Police and Crime Commissioner to become the Fire and Rescue Authority the draft Bill currently provides that they would have to submit a proposal, effectively a business case, to the Home Secretary for an Order approving the changes.

As constituent authorities it is the City Council and County Council and not the Fire Authority which would be formally consulted on any proposal. However, if the Bill goes through in its current format, which I believe it will, the Fire Authority must provide information and assist the Police and Crime Commissioner to enable the development of any proposals. There is no information currently available as to how long the approval of any proposals may take.

The Bill also provides for the Police and Crime Commissioner to formally request to join an existing Fire Authority as a voting member and it will be for the Fire Authority to either support or refuse any such request, publicly explaining their decision and the rationale for it.

The Police and Crime Bill also requires that police, fire and ambulance services must collaborate to improve efficiency and effectiveness. Members will be aware that a lot of work in this area already takes place, the fire service responding to medical emergencies, joint training and the sharing of premises are just a few examples.

At this early stage I am not convinced that the evidence is compelling to support the transfer of the fire and rescue governance to the Police and Crime Commissioner. As this is a fast moving issue, officers of the Fire Authority and I, following on from a meeting of all members of the Fire Authority a couple of weeks ago, are working hard to ensure that members from the constituent authorities are kept informed through the use of both formal and informal communication channels.

APPENDIX B

COUNTY COUNCIL MEETING HELD ON 15TH SEPTEMBER 2016 QUESTIONS TO COMMITTEE CHAIRMEN

Question to the Chairman of the Economic Development Committee, from Councillor Roger Jackson

Whilst I note that the Better Broadband for Nottinghamshire (BBfN) programme is on track to deliver superfast broadband to 95% of premises in the county this year and 98% by 2018, is the Committee Chairman aware of public concern that service speeds can vary considerably between properties in the same village even after roll out has taken place?

The Corporate Director, Place reported to Economic Development Committee on 7th June 2016 that 'Speeds of up to 80 megabits per second (Mbps) are available depending on how far the property is located from its serving green street cabinet', but is it true that some properties are not connected to the nearest/newest green cabinet, but to other cabinets further away, meaning those residents do not benefit to the extent they might expect?

When BT installs a new cabinet at a particular location, do they automatically classify that area as 100% covered under the roll out plan, when in reality the standard of service for some might not be as good as it should be?

Response from Councillor Diana Meale, Chairman of the Economic Development Committee

I am aware of the concerns that speeds can vary between properties within the same village because speeds are very dependent on properties distance from the serving broadband cabinet.

I am also very well aware because many members such as Councillor Dobson raise those issues with me, as well as residents. Now it is true that some properties are not connected to the nearest or newest green cabinet. Whether a property will be connected to a new cabinet depends on the route of the existing copper network. What we are doing is upgrading an existing old system and in some areas the cost of rearranging the copper network to enable connection on some of the properties for the new cabinet would be prohibitively expensive.

Also a disparity can appear to be present within an area if residents have not upgraded their service. Deployment of a cabinet does not automatically result in greater speeds for connected properties. Residents are required to upgrade to a broadband service from their chosen Broadband provider. I can see you recognise that, but not everybody does. What we have done is quite a campaign with Parish Councils to make sure residents are aware that is that what needs to happen. Those experiencing low speeds are advised to check with their Internet service provider to determine if better speeds are available.

For those with the slowest speeds, that is less than 2Mbps, the Council has made available the Better Broadband Subsidy Scheme. Where residents can apply for a connection voucher for satellite or wireless broadband. Ensuring that almost no-one, I am not going to say no one as there is always an exception, is left behind and all Nottinghamshire residents have access to some level of broadband.

Addressing your third point here, it is not true that when BT installs new cabinet in a particular location they classify that area as 100% covered. Coverage is calculated from the number of properties not the broad area which can actually connect to a broadband cabinet. However, some of the properties connected as you have alluded to will have less than superfast speeds, where superfast is defined as 24Mbps. The programme focuses on delivering broadband to those who currently have none but also on delivering improvements to those who have less than superfast speeds and in particular on the second contract we are just entering into that Councillor Dobson has referred to a bit earlier on in her constituency speech, some of the properties without a good connection will have an upgrade and the second contract seeks to deliver speeds of a minimum of 15Mbps. So hopefully people who are experiencing lesser speeds at the moment will have an upgrade under the second contract. That may still leave people with a problem and through our gain share system with BT we are developing a fund whereby those more expensive and more intractable problems can be addressed.

Question to the Chairman of the Transport and Highways Committee, from Councillor Richard Jackson

Is the Committee Chairman aware of the concerns about cyclist safety on tram tracks, highlighted in the local media earlier this week by the comments of John Melia, who suffered serious injuries when his bicycle wheel got trapped in a stretch of track on Chilwell High Road and led to him being hit by a car.

Does he share my concern at the reported 48 injury accidents relating to the tram tracks at this location alone and would he inform the Council what steps he is taking to improve safety around the tracks on Chilwell High Road and elsewhere?

Response from Councillor Kevin Greaves, Chairman of the Transport and Highways Committee

I am aware of the issue that Councillor Jackson refers to. The problem is concentrated on the High Road, Chilwell. This is likely to be because of the popularity of the route with cyclists, and because of the narrow nature of the highway corridor which restricts the available space for all users despite the demolition that took place to install the tram.

This year we have been working closely with Tramlink, the tram operator, Nottingham City Council and the tram authority, Anna Soubry MP and other interested parties to devise and assist with the implementation of remedial measures following John's accident. These comprised of an overhaul of the signs and road markings to assist cyclists in this area, and were installed in March. Since finalised in June, I understand that these have been well-received locally. The safer route for

cyclists is now much clearer, and the extra markings really do help cyclists to avoid the worst hazards at the tram stop.

Prior to construction of the tram system, we presented an educational package to over 4,000 school children in the area to warn them of the risks, and we will continue to support Tramlink and the City Council with the operation of the tram and its associated infrastructure

Question to the Chairman of the Adult Social Care and Health Committee, from Councillor John Wilmott

Will the Chairman of Adult Social Care and Health Committee tell this Council how many elderly residents in Nottinghamshire's two main hospitals are waiting to go home after treatment, but are having to wait because a service plan has not been agreed with our Social Services Department?

Response from Councillor Muriel Weisz, Chairman of the Adult Social Care and Health Committee

Thank you for the question which does give an opportunity for us to focus briefly on Social Care's contribution to the people's hospital journey which I know is of public interest. I have the up to date figures, but I just want to put those in a brief wider context. The Council provides dedicated hospital social work staff to support discharges for service users who might need new, different or additional services to enable them to go home safely after hospital care. To do this, we work closely with service users and their carers, as well as with a wide range of health staff and other partners including colleagues from District Councils, who often can resolve the housing-related problems arising with additional needs, and also with the voluntary sector. Daily meetings are held where appropriate to discuss the people who are ready for discharge and what needs to be done that this happens on time.

For elective surgery, that planning frequently goes on even before admission. At a strategic level, the Council is involved in transformation work throughout the County to review current discharge processes so that we can improve those arrangements. A key focus of this work is to offer more short-term services to promote people's independence and provide alternative options to hospital care, such as crisis response, intensive support at home that can be called almost home first, that should be the first focus for thinking, and a wider range of short term assessment places and flats, to support people to recover away from hospital. Each area also has integrated care teams where all professionals are working directly together to proactively prevent unnecessary attendance and admissions to hospital and care placements

Despite all this careful planning, some people do get delayed in hospital. For example, sometimes people reject the various offers of home care or residential care that are made to them and families may have a different view of what is needed. Test results can be delayed so that medical staff are unable to decide if the person can be discharged or not. Sometimes the patient has to wait for adaptations to be made to their home or for a physiotherapy assessment to be carried out, to ensure

that they will make a safe return. There could also be difficulties in arranging a home care package and getting it in place in time, or to find a nursing home that will take the person for a short period of recovery, or a permanent placement.

The number of days that are spent in “delay” as it were, for people who were well enough to be discharged from hospital is monitored monthly by the Department of Health. This information shows that the number of days of delay for reasons attributable to social care, across all care settings, and this has dropped significantly in Nottinghamshire over recent years. The indicator is in fact the average number of people whose hospital discharge is delayed per day, per 100,000 of the population. So this is the broader picture; in March 2015 the rate of delayed days for social care reasons in the County was 2.23. In April 2016 the rate of delayed days for social care reasons was 1.17.

Nottinghamshire is 55th in the country out of all 152 Local Authorities, for the number of delayed days recorded for social care reasons back in March 2016. The data includes all adults and the majority of all social care delays for Nottinghamshire people are for people who are waiting to leave Mental Health or Learning Disability hospital placements.

The Council performs very well in supporting discharges for people at Kings Mill Hospital, Queens Medical Centre and the City Hospital. Since April 2015, the number of requests for assessment from social care has increased by 19% in the south of the County and 48% in mid-Nottinghamshire. The hospital teams are doing extremely well I believe, to respond to this increasing demand within existing resources.

In August the Sherwood Hospital social work team received 209 requests to assess people who had additional needs to be met upon discharge. Out of this group there is a total of eight days delay for Social Care reasons. Similarly in August in NUH hospitals the number of requests were 276. So you can see the level of demand is substantial. To take one particular week as an example, at the Nottingham University Hospital Trust from Friday 2nd September for the week to Thursday 8th, there were 33 people discharged from hospital having had some involvement from Adult Social Care. That is just a random week. Out of this group of people there were five people who delayed for the following reasons: three people were waiting for a nursing home placement of their choice, one person was waiting for a permanent residential placement and declined to be moved into a temporary place until that permanent place was available and one person required a more detailed assessment of need on the ward, before final discharge plans could be made.

In the same week in Sherwood Hospitals Trust there were nine people who were referred formally to the hospital team. Six of these people were discharged on time, of the other three people, one person was delayed for four days due to a suitable care package not being available and two people stayed in hospital because they did not want the alternative care placement while a long term placement was put into place.

Overall in the context of this continuing increasing need and its complexity, the performance of the authority is very good. We continue to work closely with the

Health Service to implement national best practice in this area. We are not complacent of that continuing need to improve integration and the quality of service which is person centred. However as many of you may have heard on the radio this morning, this is all in the context of a growing crisis in funding identified by the Kings Fund today. Ironically the drastic reductions in local authority budgets are challenging the very effective integration that we are all working towards.

Question to the Chairman of the Transport and Highways Committee, from Councillor Stuart Wallace

In October, Severn Trent Water contractors will begin a major project to overhaul Newark's Victorian sewer pipe system, to end the misery of up to 1,000 people regularly affected by sewer flooding in the town. These improvements are welcome, but it is inevitable the work will cause significant disruption and add to the severe traffic congestion which has afflicted Newark for many years.

Would the Committee Chairman explain what plans are being made by Via to coordinate our own highways maintenance, engineering and improvement plans with Severn Trent's work, and that of other utility companies?

Would he agree it is important for all stakeholders to work together to ensure that, when this project is complete in 2020, Newark residents and visitors can finally look forward to an era of fewer delays and less inconvenience?

Response from Councillor Kevin Greaves, Chairman of the Transport and Highways Committee

As Councillor Wallace indicates, Severn Trent Water are undertaking a major project to bring relief to many people who experience repeated flooding at their properties and to ensure that the sewer systems are brought up to appropriate standards.

At £60 million the project is the largest in this nature that has ever been undertaken in this region and will include the renewal of over 20km of pipes over a three year period.

Severn Trent has recognised from the outset that this work cannot be undertaken without significant impact on the community and has been working closely with Nottinghamshire County Council, and more recently Via, to develop a working method and programmes to reduce the inconvenience to road users, businesses and residents in Newark.

All parties are committed to coordinating works and planning to minimise disruption.

Work will start in November 2016, when the majority of the activity will be underground or in areas away from the town centre located off the highway.

The part of the project which is expected to be most disruptive to the town has been programmed to start in January 2018 for a period 17 weeks, thereby avoiding the busiest seasons.

Severn Trent has also engaged with the local community including businesses and have kept them informed of the proposals through a public forum as well as the public exhibition held in Newark Town Hall earlier this week, which was extremely interesting.

From these discussions Severn Trent Water has committed to using tunnelling extensively to include techniques which will cause less disruption, even though it is a more costly solution.

They have also taken the opportunity to incorporate work on the fresh water network in Newark to ensure it can meet the increasing demands as Newark expands. This approach provides opportunities to coordinate the work of water supply and disposal.

The project is currently at the start of a detailed design stage and all the options or opportunities of collaborative working are now being fully investigated. This includes opportunities for joint working or phasing with other utilities or other surfacing programmes. It is anticipated that where other utility apparatus needs will be diverted to facilitate the sewer works there will be the opportunity to ensure that subsequent maintenance is averted.

Question to the Chairman of the Children and Young People's Committee, from Councillor Jason Zadrozny

Would the committee chairman wish to express to the Council his regret for causing such public outcry and sad debacle over his schools admissions policy?

Response from Councillor John Peck JP, Chairman of the Children and Young People's Committee

I am grateful to be given the opportunity to answer the question by placing my answer within the context of some background information which may be helpful to Councillor Zadrozny and to other elected members. I would also like to take this opportunity to thank Councillor Zadrozny personally for the support his Party at the time, the Liberal Democrats of which he was the Leader, gave to this change to the admissions criteria. This change had cross party consensus and members of all parties on the Children and Young People's Committee; Conservative, Labour, Liberal Democrats of which he was the Leader and Independents voted unanimously for the change. So the support of Councillor Zadrozny and his then Party was extremely important in maintaining this cross party consensus. Therefore I am rather surprised to receive this question from Councillor Zadrozny today as not only did his then Party under his leadership support the change to the arrangements, but even since the break with that Party, at no point has he indicated to me any change in that support, nor at the point when the arrangements were published, nor indeed on offer day which was back in April when parents received the offer of school places. Nor at any point between then and now has he made any representations to me. Only now asking a question in this Chamber several months after the parents have received the offer and after the children have actually started their new schools last week. But no matter, let me place my reply in some context.

The arrangements to which Councillor Zadrozny refers, are the County Council's school admission arrangements. The decision about determining arrangements is delegated to the Children and Young People's Committee which has all-party representation. The arrangements were determined by the Committee on 9 March 2015, and they are definitely not the 'Chairman's' arrangements, indeed the suggestion did not come from me at all, but came from a member of one of the other Parties.

The decision to remove the priority for out of catchment area siblings from the oversubscription criteria for Nottinghamshire community and voluntary controlled schools, gained cross party agreement and it was underpinned by a need for fairness. This was a local decision made by the Council for residents across the whole of Nottinghamshire. To try and explain, if I take say Hucknall as a good example, where you might get a situation where an out of catchment area parent has got their first child into a school. That parent may have moved away from the area or maybe some considerable distance from the school. But some years later it could be, they have a subsequent child, a sibling, they may then apply for a place at that school and get that place. But other out of catchment area parents who are much nearer, they might even be able to see their school from home, because schools are not in the centre of their catchment necessarily, are precluded from getting a place. So these are concerns that were made to my Committee.

In 2014, there were concerns that children living outside catchment but close to a school were sometimes unable to secure places at that school because places had been allocated to children who lived further away – sometimes at a considerable distance – but had a sibling attending the school and therefore had priority within the oversubscription criteria.

Councillors were also aware of the report from the Office of the Schools Adjudicator (OSA) in 2013 which echoed the concerns outlined above that had already been clearly articulated within Nottinghamshire. We were of the view that the existing priority for out of catchment area siblings needed to change if schools were to best serve the needs of local families. There are sufficient school places for all Nottinghamshire children who need one, and we have been very good in creating those places. But, like all resources, school places are finite, and giving priority to one group of children, means that a different group of children will have a lower priority.

High priority within the oversubscription criteria is still given to children living in catchment and who have a brother or sister attending the school or the linked school. This supports families who wish their children to attend the same publicly funded local school.

The Council published the consultation for the 2016-2017 arrangements, the present arrangements, and gave people the opportunity to respond to the process which included publishing details on our website, advertising in the local press, briefing head teachers and chairs of governors and placing it on school governing body agendas where parents and governors were in attendance. We received very few responses.

As Council will be aware, an objection has been submitted to the Office of the Schools Adjudicator (OSA) about the consultation process for these arrangements, and we await the decision of that Adjudicator, but that refers to the process rather than our right to make such a decision.

In summary I do have every sympathy both as a parent and a former head teacher, with any parent who does not get a place for their child in their preferred school. I fully understand and sympathise with the difficulties where parents have their children in different schools. However, and you need to understand this, it has always been the case under the previous criteria that every year there were some families that were out of catchment and did not get the preferred school for their child or siblings, and it has always been the case that in some cases siblings have had to attend different schools. There has never ever been any guarantee, either under the new criteria or the previous one, given to any parent who lives out of the catchment area that even if they get their first child into their preferred school subsequent siblings would get a place.

To conclude, there are some important statistics that I just want to draw to Councillor Zadrozny's attention, and may interest other Members. This County Council has again been extremely successful in ensuring that the vast majority of parents get a place for their child at the school of their choice. So 91.5% of parents obtained their first preference school for their child. 97.8% obtained one of their preferences. Furthermore, Nottinghamshire has been extremely successful in creating additional school places to meet that demand. This year 1,500 extra places were created by building new classrooms and schools and that makes 5,500 extra places created since 2013, at a total investment of £70 million. And a further, I think off the top of my head, some 1,500 further places are in the pipeline as we speak.

One final statistic which is very important, and is a clear indication that the numbers of families, despite what you may have read in the press, that the numbers of families affected must be extremely small and that for every out of catchment area family that is affected under this revised scheme, there is also an out of catchment area winner, under this. But let me tell you, last year in 2015 the number of appeals submitted to this Local Authority was 424, and this year it was 443. A difference of just 19, which members will appreciate is a figure of absolutely no statistical significance. So we are talking about a very tiny number of families that may have been affected adversely. But as I say to counter that there are other families who have benefited in the same areas.

**REPORT OF THE CHAIRMEN OF CULTURE COMMITTEE AND TRANSPORT
AND HIGHWAYS COMMITTEE****RESPONSES TO PETITIONS PRESENTED TO THE CHAIRMAN OF THE
COUNTY COUNCIL****Purpose of the Report**

1. The purpose of this report is to inform Council of decisions made by the Culture Committee and Transport and Highways Committee concerning issues raised in petitions presented to the Chairman of the County Council on 21st September and 20th October 2016.

Information and Advice**CULTURE COMMITTEE****A. Petition regarding the maintenance of Millennium Green (Ref 2016/200)**

2. A 81 signature petition was presented to the 15th September 2016 meeting of County Council by Councillor Joyce Bosnjak regarding the maintenance of the Mansfield Woodhouse Millennium Green (MWMG). The petitioners raise concerns regarding “the perceived wilful destruction of the Millennium Green by the Trust assigned to its care.” The petition states that the petitioners do not object to the maintenance of the Green but “strongly object to” management activities including the use of herbicides, removal of trees and the use of “industrial equipment such as diggers and chainsaws”.
3. The Committee were advised that the Millennium Green is managed by the MWMG Trust. To inform the long-term management of the site, a management plan was commissioned from a highly experienced ecological consultancy. The Trustees also sought advice from the Designing Out Crime Team from Nottinghamshire Constabulary; the Disability Information and Advice Line; Greenwood Community Forest; and, the Tree Officer at Mansfield District Council.
4. MWMG Trust is now implementing the management plan for the site. This work includes control of pernicious weeds to improve the botanical diversity of the site and to prevent encroachment onto paths, hedge-laying and tree works, and the installation of a RADAR key controlled gate to provide disabled access. The work has been carried out by a combination of volunteers and professional contractors.
5. The Greenwood Community Forest Partnership, which is hosted by the County Council, continues to provide advice and guidance to the MWMG Trust when requested. This is part of the support offered by Greenwood to a wide range of community groups, including Friends

Groups and Trusts, engaged in the management of green spaces. This support will continue to be provided.

6. The petition has been forwarded to the MWMG Trust, for them to respond in their role as landowners and managers.

TRANSPORT AND HIGHWAYS COMMITTEE

B. Petition requesting a Residents' Parking Scheme for The Beeches and Birch Court, Tuxford (Ref 2016/0180)

7. A 17 signature petition was presented to the 4th July 2016 meeting of County Council by Councillor John Ogle on behalf of residents of The Beeches and Birch Court, Tuxford. The petition requested that a residents parking scheme be introduced.
8. The Committee were advised that the Beeches/Birch Court is a cul-de-sac located off Newark Road to the southeast of the village centre. Properties do not have off street parking and there are no on street parking restrictions. Petitioners, who are elderly and some of whom have disabilities, state that they have increasing difficulties parking close to their homes due to parking by family members of residents. Alternative parking is available nearby and visitors have been asked to use this.
9. Requests for residents' parking are considered against the current policy for new schemes which states that there should be :
 - a. Significant levels of current requests from residents
 - b. Non-resident parking which is detrimental to the vitality of the local centre or other local Transport Plan objectives, and
 - c. A trip-attractor which causes non-resident intrusive parking
10. The Committee agreed that this request did not meet these criteria: the alleged parking problems are caused by family members of residents and therefore do not pass tests b and c above. Residents living within a permit scheme are entitled to purchase visitor permits for use by family members. It is anticipated that residents would purchase these and the scheme would not provide the hoped-for benefits. The request is not considered to be an appropriate solution to the problem and so it was agreed that no further action is intended at this time.

C. Petition requesting Residents Parking Scheme, Brookfield Road Arnold (Ref 2016/181)

11. An 8 signature petition was presented to the 4th July 2016 meeting of County Council by Councillor Muriel Weisz which requested a residents' parking scheme be introduced on Brookfield Road between the Gedling Grove and Derby Street junctions. The residents complain of parking by shoppers, commuters, market traders, and from residents on the adjacent Gedling Road, some of who fall into the aforementioned parking restrictions. They indicate the problem has worsened since the nearby Friar Tuck Public House introduced pay and display in its car park and point out the car park on Gedling Road is free after 6pm.
12. The Committee was advised that similar requests from residents at the five properties represented on the petition have been received in 2009, 2013 and 2015. Requests from the

remaining properties on Brookfield Road have not been received. Any residents' parking scheme would need to consider a longer length of the road as a scheme covering these five properties would transfer the problem to where there are further terraced houses.

13. Residents from Gedling Road requested a residents' parking scheme in 2015, but a parking survey carried out in May of that year showed only 63% of its parking capacity was in use at its busiest time. Subsequently, the request is held on file for consideration, but is not considered a high priority and has yet to be approved for an annual Programme. The previous request for Brookfield Road was added to the same list, but has yet to be surveyed.
14. The Committee agreed that the request be considered in more detail and a survey conducted as appropriate to determine the feasibility and priority of a possible residents' parking scheme. The 2016/17 Works Programme is currently underway and the 2017/18 Programme will not be finalised until February 2017. If the request is not included in this upcoming programme, the request will be held on file for future consideration.

D. Petition requesting reintroduction of Residents Parking Scheme, Park Street, Sutton in Ashfield (Ref 2016/182)

15. A 44 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor David Kirkham. The petitioners requested the re-introduction of a residents parking scheme in the area which was removed following a consultation in 2011.
16. The County Council has a high number of resident parking scheme requests on record and is unable to support them all. Given this area previously had a scheme that was removed with necessary local support and there has been no change in circumstance to alter parking patterns the Committee agreed it is not appropriate to reconsider the reintroduction of the scheme.

E. Petition requesting parking restrictions on Mill Croft, Sutton in Ashfield (Ref 2016/0183)

17. A 45 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor Steve Carroll. The petition requests the introduction of parking restrictions at the junction of Mill Croft and Silk Street Sutton in Ashfield.
18. The Committee agreed that on occasion obstructive parking is occurring at this junction though at present it does not warrant the introduction of waiting restrictions because it currently does not meet the criteria for the introduction of new restrictions which are, three or more personnel injury accidents in last three years, obstruction of emergency services or buses on a regular basis.
19. In the absence of formal parking restrictions, the Police can take action against obstructive parking however they have other higher priority issues and may not be able to attend while the offence is occurring. The obstructive parking has been reported to the Police.
20. The request will be kept on file and monitored by officers when in the area. Should the situation become more acute then it may be included in a future years' programme of works.

F. Petition for Requesting Improvements to Zebra Crossings Victoria Road Netherfield (Ref 2016/184)

21. A 224 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor Nicki Brooks, concerning a number of existing zebra crossings on Victoria Road Netherfield. The petitioners requested that the crossings be made safer.
22. The Committee were advised that the main measure used to objectively assess road safety at a particular location is the number of accidents in which someone was injured. The Police produce reports on these incidents and on behalf of Nottinghamshire County Council, Via East Midlands receives the reports and maintains a comprehensive database of accidents to enable the safety of the Highway to be assessed.
23. In 2015 there were 1,795 Reported Injury Accidents across the County, which resulted in injury to 2,370 people. Funding has to be directed to sites where injury accidents are occurring, to ensure it is most effectively used.
24. A study of reported injury accidents at zebra crossings across the County was recently carried out by the specialist Accident Investigation team now within Via East Midlands. This included the crossings in Netherfield. As a result of this work a number of improvements have been included in the current Highways Improvement programme, for implementation during 2016/17 financial year.
25. The Committee were advised that on Victoria Road Netherfield, the crossings outside "Bargain Booze" and "Coral" are to receive upgraded LED belisha beacons, which are much brighter than the standard units, to make the crossings more conspicuous. These were specified to address accidents identified during the study.
26. No Reported Injury Accidents occurred at the crossings at "Jackie Bells Park" and "Good as New" between 1st January 2013 and 31st May 2016 and therefore the Committee agreed that no improvements be made at these sites.
27. The petition also called for a School Crossing Patrol. There is a very high demand for School Crossing Patrols, and only the busiest locations can be served. The provision of a Patrol is dependent on a range of criteria being met, primarily the number of school children crossing at the site, and the number of vehicles using the road. Providing a Patrol on a formal crossing such as a zebra crossing is not considered good practice in safety terms, and is only considered at exceptionally busy and complex sites. The Committee agreed that Netherfield Road will be assessed during the school term to see if it meets the criteria at any other point.

G. Petition requesting alteration to lanterns at Chartwell Grove, Mapperley (Ref 2016/0185)

28. A 35 signature petition was presented to the 4th July 2016 meeting of County Council by Councillor Michael Payne regarding the installation of new street lights on Chartwell Grove, Mapperley. The residents requested that the recently installed lanterns be removed and replaced with a style the same as previously in situ as they were in keeping with the design of the residential area.
29. Nottinghamshire County Council adopted the policy of moving to LED for all new street lighting installation in September 2013 after carrying out various trials on different lanterns and considering feedback from the [Page 3 of 23](#) Road Safety advisors and residents.

30. The Committee were advised that in June 2016 the street lights on Chartwell Grove were upgraded from low pressure sodium lighting to new LED lanterns as part of the on-going street lighting maintenance programme taking place across the County. Chartwell Grove is public highway and therefore the standard replacement lantern has been used for the classification of road. The same have been installed throughout Ashfield, Broxtowe, Rushcliffe and Gedling.
31. When lanterns are being replaced in places of historical interest or conservation areas consideration is given to using alternative lanterns to be sympathetic to the area however Chartwell Grove does not fall under this category. As the Highways Authority there is no legal obligation to light the highway, but where it is lit columns and lanterns are procured in order to get best value and make the best use of financial resources.
32. Lighting manufacturers moved away from producing the low pressure sodium lanterns (which were there previously) as these do not meet the current standards of lighting and have become expensive to run and maintain. As a result, costs to replace and repair out dated lighting systems are disproportionately high. The lanterns themselves also cost around 60% more in energy to run than the LED alternative.
33. Investment in the LED programme to date has been £3.2m which has resulted in an annual reduction of 7,000,000kwh. In total £1.5m has been saved on the energy budget and this total will continue to rise each year as the programme progresses.
34. The LED's recently installed are Holophane V Max which is an award winning lantern in the industry. This is due to its flexibility, light weight, ease of fitting and future maintenance requirements, most importantly it came out best for illumination level.
35. For the above reasons the Committee agreed to not alter the lanterns installed.

H. Petition requesting the resurfacing of Lime Tree Avenue & Chestnut Grove, Kirby in Ashfield (Ref 2016/0186)

36. A 40 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor Rachel Madden on behalf of residents of Lime Tree Avenue and Chestnut Grove, Kirby in Ashfield. The petition requests that the road be resurfaced.
37. Lime Tree Avenue and Chestnut Grove, are interconnecting roads off Victoria Road (B6020). Both roads had the sewers replaced a number of years ago with the associated trench reinstatement being undertaken.
38. The Committee were advised that whilst the trench has settled, which results in an uneven road surface, this is within acceptable surface parameters for the class of road. The surface condition of both the trench and the existing road surface are showing signs of deterioration in discrete areas, however, these are not excessive and do not currently meet safety intervention levels. The visual appearance of the road is striking as the trench has been repaired in a material that has weathered in stark contrast to the original surface colour.
39. These roads do not feature in the 5-year highway maintenance programme, and inspection of both has confirmed that they do not warrant inclusion. Therefore, the Committee agreed that the request is not considered to be an appropriate solution at this time, but this will be monitored through the highway planned inspection programme.

I. Petition requesting replacement of brick Bus Shelter at Warsop Lane, Rainworth (Ref 2016/0187)

40. A 163 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor Yvonne Woodhead requesting that a brick bus shelter at Warsop Lane Rainworth be replaced with a modern shelter. The petitioners cite anti-social behaviour as the reason for this request.
41. The Committee were advised that Transport and Travel Services acknowledge the concerns raised by the community and have secured the funding to replace the brick shelter with a polycarbonate shelter. It will be replaced by 31st March 2017. It has also been arranged for the existing bus shelter to be cleaned out on a monthly basis until it is replaced, and for Newark and Sherwood District Council to install a bin at the bus stop.
42. In order to deal with the underlying issue of anti-social behaviour, Transport and Travel Services ask that the local community continue to report any antisocial behaviour to the Police or Newark and Sherwood District Council.

J. Petition requesting new Bus Shelter at Nottingham Road, Burton Joyce (Ref 2016/0188)

43. A 28 signature petition was presented to the 4th July 2016 meeting of the County Council by Councillor John Clarke. The petitioners are requesting a bus shelter be provided at Nottingham Road Burton Joyce where there is no existing shelter.
44. The Committee were agreed that Transport and Travel Services acknowledge the petition requesting the bus shelter, but decline the request on this occasion. The bus stop is insufficiently used by passengers to pass the value for money principle for the provision of a bus shelter as set out in the Council's Bus Stop Policy. In addition, the cost of installing a shelter would be prohibitively expensive as land behind the bus stop would need to be purchased in order to accommodate a bus shelter and significant engineering works would be required to construct the hardstanding.

K. Petition requesting Winter Service provision for the Whitegates Way estate and Sudbury Drive, Huthwaite (Ref 2016/0189)

45. A 157 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Tom Hollis on behalf of residents of Whitegates Way estate and Sudbury Drive, Huthwaite. The petition requests that the named roads be considered for inclusion on the gritted route network.
46. The Committee were advised that the Whitegates Way estate and Sudbury Drive form part of a wholly residential area accessed from the B6026 Blackwell Road.
47. All roads being considered for inclusion on gritting routes undergo an assessment which considers traffic flow (including use by public transport), road speed, topography, access to community facilities (schools, medical centres, etc.) and accident history.
48. The roads in question are not on a bus route and have low traffic flows (<1500 vehicles per day). There is no injury accident history and the roads do not serve any community infrastructure.

49. Based on this assessment, the Committee agreed that these road lengths do not meet requirements for inclusion on either the main or secondary gritted route network.
50. On the second point raised by the petition regarding the road humps provided throughout the estate, the Committee were advised that the height of these were checked at the time of installation and found to be within the specified tolerance. An inspection of the road humps will be arranged to check if there are any specific issues that have arisen and appropriate action will then be considered to address any adverse findings.

L. Petition requesting a review of Traffic Management on Brookhill Street, Stapleford (Ref 2016/190)

51. A 385 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Jacky Williams. The petition requests a review of traffic management on Brookhill Street, Stapleford.
52. The Committee were advised that the main measure used to assess the effectiveness of traffic management is the number of accidents in which someone is injured. In the last three and a half years there have been four injury accidents recorded by the Police on the length of Brookhill Street, one with fatal injuries and three with slight injuries. Two of the four accidents involved a pedestrian and the other two involved a collision with a parked vehicle. The most recent collision, which occurred on the 16th July 2016 was recorded as non-injury by the Police.
53. A comprehensive speed survey was carried out in 2010 which showed an 85 percentile speed of 28mph westbound and eastbound, with an average speed of 21mph westbound and 22mph eastbound.
54. There is a weight restriction on Brookhill Street and there is also a lorry watch scheme on the Nottinghamshire County Council web site, where members of the public can report the misuse of the weight restricted route by heavy goods vehicles.
55. The environmental impact and noise created by traffic calming measures, as well as limited support, has led to traffic calming measures only being introduced where there has been an identified injury accident problem involving vulnerable road users.
56. Where there are large numbers of vulnerable young people outside schools at start and finish times and where it is feasible to do so, we have introduced 20mph speed limits outside schools. The advisory speed limits, which make clear the association with a school, are introduced only at school entrances so they be more effective in achieving appropriate speeds.
57. A new speed survey was recently requested and the equipment was installed on the 22nd September 2016. The results of this survey will be available in November.
58. A number of "30mph for a reason" warning signs have been erected on Brookhill Street and New Eaton Road.
59. There are a number of junctions that currently do not have any parking restrictions on them. These have been added to the list to be considered in a future years' programme for the introduction of restrictions on the junctions only.
60. A Community Speed Watch scheme would be supported.

M. Petition requesting consideration of parking issues around Greythorne Drive (Ref 2016/191)

61. A 502 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Gordon Wheeler requesting implementation of a series of measures to address a perceived safety problem with vehicles parking their cars close to the junction of Walcote Drive, Greythorne Drive and Boxley Drive, West Bridgford.
62. The Committee were advised that local residents consider that a recently opened care home on Greythorne Drive provides inadequate car parking provision on site for both staff and visitors which results in overspill parking onto the adjacent highway. It is felt that inconsiderate parking on the highway is causing problems with regard to congestion, as well as potential highway safety issues.
63. They have also requested that the road surface between Boxley Drive and Greythorne Drive is fully resurfaced due to its poor condition, which they consider to have been damaged as a result of development of care home and adjacent housing development.
64. Parking for the Care Home was considered by the Highway Authority in its role as a statutory consultee to the Local Planning Authority (Rushcliffe Borough Council) as part of the planning application for the then proposed development. Planning permission for the site was granted by the Local Planning Authority and included a number of highways related planning conditions which sought to place an onus on the developer to encourage sustainable travel and thereby reduce the need for parking on site.
65. A Travel Plan for the site has been approved by the Local Planning Authority. The first tranche of monitoring data has recently been received and is currently being evaluated. This will determine whether or not the developer is meeting their targets with regard to reducing car use. Should it be shown they are not, then the Highway Authority will actively pursue further measures to mitigate the impacts of the development via the Local Planning Authority. Notwithstanding this, an application for the funding of junction protection measures such as double lines, will be considered in the next financial year should a problem still be apparent on site.
66. With regard to the road surface, its condition is being monitored on a regular basis and a number of re-active maintenance measures have been implemented in recent months to ensure the surface is an adequate and safe condition. A further and more substantial maintenance scheme is planned for later this financial year.

N. Petition requesting the resurfacing of Woodland Close, Newark (Ref 2016/192)

67. A 27 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Tony Roberts MBE on behalf of the residents of Woodland Close, Newark. The petition requests that the road be resurfaced.
68. The Committee were advised that Woodland Close is a cul-de-sac off Valley Prospect, Newark. This road does not feature in the five year highway maintenance programme and a review of the last survey findings does not indicate that it should be added.
69. An inspection of the road has been organised to respond to specific defects that may have arisen since the last inspection. Therefore, at this time the request is not considered to be an appropriate solution, but this will be monitored through the highway planned inspection programme.

70. However, the footways on Woodland Close do feature on the major maintenance programme and there are plans to resurface them in 2017/18, subject to Committee Approval and funding.

O. Petition requesting the resurfacing of Main Street, Woodborough (Ref 2016/193)

71. A 229 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Boyd Elliott on behalf of the residents of Main Street, Woodborough. The petition requests that the road be resurfaced.
72. The Committee were advised that Main Street runs from the junction of Bank Hill and Foxwood Lane to the junction of Shelt Hill and Lowdham Lane, providing the main road through Woodborough Village, giving access to the village amenities.
73. This road does feature on the major maintenance programme and there are plans to undertake structural inlay patching in 2017/18, subject to Committee approval and funding. Following this work, the road will be monitored and at the appropriate time in the future, it will be surface dressed. This work will be subject to separate Committee approval.
74. In the meantime, an inspection of the road has been organised to respond to any specific defects that may have arisen since the last inspection and the road will continue to be monitored through the planned highway inspection programme until the works take place.

P. Petition to improve road safety in Stanford on Soar (Ref 2016/0195)

75. A petition was presented to the 15th September 2016 meeting of the County Council by Councillor Andrew Brown on behalf of 106 residents of Stanford on Soar. The petition requests that lower speed limits are introduced in two locations and that gateway signs are installed at the two main entrances to the village.
76. An assessment will be carried out at the requested locations (including a visual survey, speed surveys and an investigation of the speed related injury accidents) to determine whether there is justification for extending the 30mph speed limits in line with Department for Transport guidelines.
77. Additionally, the Council will consider the request for gateway signing. If appropriate, and funding is available, any alterations will be considered for inclusion in a future programme of works. The Parish Council may wish to note that the County Council's Supporting Local Communities initiative offers financial support for the installation of gateway signing, and may wish to consider submitting a bid.

Q. Petition requesting the resurfacing of Green Close, Hucknall (Ref 2016/0196)

78. A 21 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor John Wilmott on behalf of the residents of Green Close, Hucknall. The petition requests that the road be resurfaced.
79. The Committee were advised Green Close is a cul-de-sac off Bestwood Road, Hucknall. This road does not feature in the five year highway maintenance programme and a review of the last survey findings does not indicate that it should be added.

80. An inspection of the road has been organised to respond to specific defects that may have arisen since the last inspection. Therefore, at this time the request is not considered to be an appropriate solution, but this will be monitored through the highway planned inspection programme.

R. Petition requesting a residents' parking scheme on Canal Road, Worksop (Ref: 2016/197)

81. A 10 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Kevin Greaves on behalf of residents requesting a residents' parking scheme on Canal Road, Worksop.
82. The Committee were advised that residents' parking schemes are prioritised in locations where residents do not have off-street parking and where a scheme won't negatively affect nearby streets and town centres, or increase rat running or traffic speeds. Canal Road is a combination of a residential / employment street located near the town centre. There is an existing residents' parking scheme at the Church Walk end and consideration will be given to whether this could be extended.
83. Canal Road will be surveyed and if necessary considered for an appropriate scheme in a future years' integrated transport programme if funding permits.

S. Petition requesting a review of the traffic calming measures in place throughout the Carsic Estate (Ref 2016/198)

84. A 392 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor David Kirkham on behalf of the residents of the Carsic Estate, Sutton in Ashfield.
85. The petition requests a review of the existing traffic calming measures in place throughout the Carsic Estate, in particular damage to the road surface around the features. There is also concern about the availability of vehicle parking in the light of possible Government plans for pavement parking legislation. The effect of these issues on local property values is also highlighted.
86. The Committee were advised that the existing Traffic Calming scheme in the Carsic Estate was implemented in 1996 to address the level of road accidents in the area. Since that time, a 51% reduction in the annual average number of road accidents has been achieved and maintained.
87. Carsic Road, which forms part of the main distributor for the estate, does feature on the major maintenance programme and there are plans to resurface it in part during 2017/18, subject to Committee approval and funding. The planned scheme will focus on the worst section of this road, with the remainder being considered for successive years as part of a rolling programme. Until that work is complete, the road will be monitored, with localised repairs to untreated sections carried out as necessary, through the highway planned inspection programme.
88. The Government's intentions regarding pavement parking are unclear at present, and Highway Authorities across the Country are therefore awaiting the outcome of these national deliberations. Dependent on the nature of the final outcome, the Council will consider how to respond on a County wide basis.

T. Petition requesting the relocation of a bus stop on BR0190 Daisy Farm Road on Newthorpe Common (Ref 2016/0199)

89. A 54 signature petition was presented to the 15th September 2016 meeting of the County Council by Councillor Keith Longdon on behalf of the residents of Newthorpe Common and the surrounding area.
90. Upon receipt of the petition, it has been decided to relocate the bus stop to outside 88-90 Newthorpe Common. The proposal will include relocating the bus stop pole and raised kerb along with installing an enforceable bus stop clearway.
91. Consultation over installing an enforceable bus stop clearway is being undertaken by the Improvements Team at Via who were originally commissioned to consult over the clearway at the existing bus stop outside 94-96 Newthorpe Common.
92. Nottinghamshire County Council's Bus Stop Policy states that a bus stop will not be moved unless there are concerns about highway safety. However, an exception has been made in this case for the following reasons:
- Meets the County Council aspiration to enable all buses to pull in parallel to the kerb, to help the elderly, disabled and buggy users board the bus safely and easily. It also stops the bus holding up the general flow of traffic which often happens if the bus parks at an angle or has to stop alongside parked cars which are blocking the stop;
 - There is sufficient budget in the ITM Bus Improvements programme to cover the additional cost of relocating the bus stop;
 - A suitable alternative location for the bus stop was identified that did not significantly impact on passengers;
 - The new location passed the highway safety check undertaken by the District Highway Manager.
93. The new location including a bus stop clearway was supported by all residents involved including those residents affected by the new bus stop location.

Statutory and Policy Implications

94. 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.

RECOMMENDATION

It is recommended that the contents of the report and the actions approved be noted.

Councillor John Knight
Chairman of Culture Committee

Councillor Kevin Greaves
Chairman of Transport and Highways Committee

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For any enquiries about this report please contact:

Culture Committee:-

Derek Highton, Service Director – Youth, Families and Cultural Services

derek.highton@nottsc.gov.uk

Transport and Highways Committee:-

Tim Gregory, Corporate Director – Place

tim.gregory@nottsc.gov.uk

Background Papers and Published Documents

- None

Electoral Division(s) Affected

Arnold North, Arnold South, Blidworth, Bramcote and Stapleford, Calverton, Carlton East, Carlton East, Eastwood, Hucknall, Kirkby in Ashfield South, Mansfield North, Newark West, Soar Valley, Sutton in Ashfield Central, Sutton in Ashfield East, Sutton in Ashfield West, Tuxford, West Bridgford West and Worksop West

REPORT OF THE CHIEF EXECUTIVE

Clarification of Minutes of Committee Meetings published since the last meeting on 15th September 2016

Purpose of the Report

1. To provide Members the opportunity to raise any matters of clarification on the minutes of Committee meetings published since the last meeting of Full Council on 15th September 2016.

Information and Advice

2. The following minutes of Committees have been published since the last meeting of Full Council on 15th September 2016 and are accessible via the Council website:-
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Committee meeting	Minutes of meeting
Adult Social Care and Health Committee	12 th September, 10 th October
Appeals Sub-Committee	20 th July
Audit Committee	None
Children & Young People's Committee	18 th July, 19 th September 17 th October
Community Safety Committee	19 th July, 27 th September
Corporate Parenting Sub-Committee	None
Culture Committee	6 th September
Economic Development Committee	6 th September
Environment and Sustainability Committee	21 st July, 22 nd September
Finance and Property Committee	18 th July, 20 th September, 17 th October
Grant Aid Sub-Committee	17 th May
Health Scrutiny Committee	None
Health & Wellbeing Board	7 th September, 5 th October
Joint City/County Health Scrutiny Committee	13 th September, 11 th October
Joint Committee on Strategic Planning and Transport	None
Nottinghamshire Local Pensions Board	19 th April
Nottinghamshire Pensions Fund Committee	21 st June
Nottinghamshire Police & Crime Panel	5 th September
Pensions Investment Sub-Committee	9 th June, 29 th September *
Pensions Sub-Committee	14 th July

Committee meeting	Minutes of meeting
Personnel Committee	21 st July, 28 th September*
Planning & Licensing Committee	19 th July, 20 th September, 18 th October
Policy Committee	13 th July, 21 st September, 19 th October
Public Health Committee	14 th July, 29 th September *
The City of Nottingham and Nottinghamshire Economic Prosperity Committee	22 nd July, 23 rd September *
Transport and Highways Committee	21 st July, 21 st September, 20 th October

* Minutes expected to be published before 24th November 2016, but not yet approved by the relevant Committee.

Anthony May
Chief Executive

**REPORT OF THE CHAIRMAN, ENVIRONMENT AND SUSTAINABILITY
COMMITTEE****SUBMISSION OF THE MINERALS LOCAL PLAN FOR AN INDEPENDENT
EXAMINATION****Purpose of the Report**

1. To allow Council to consider the issues raised at the Submission Draft consultation stage and proposed modifications set out in Appendix A and B
2. To seek Council approval to submit the Submission Draft of the replacement Minerals Local Plan, to the Secretary of State for an independent examination.

Information and Advice

3. The Planning and Compulsory Purchase Act (2004), as amended by the Localism Act (2011), along with the Town and Country Planning (Local Planning) (England) Regulations (2012), requires the production of a 'Minerals Local Plan'. The Minerals Local Plan is a statutory document that all Minerals Planning Authorities must prepare. It identifies site specific allocations and sets out policies against which all minerals development proposals will be assessed and determined by the County Council. The overall aim of the Plan is to ensure that sufficient minerals are provided to meet expected demand in the most sustainable way and to safeguard proven mineral resources from being unnecessarily sterilised by other development.
4. The current Minerals Local Plan was adopted in December 2005 and was prepared under previous Government legislation. This plan is now becoming out of date and will be replaced by the new plan. The new plan will look ahead to 2030.
5. The overarching theme of the replacement Nottinghamshire Minerals Local Plan is the promotion of sustainable minerals development and to achieve the highest quality restoration possible. This means balancing the economic benefits and need for minerals against the social and environmental disruption and harm that their extraction can cause. Long term environmental gains can be achieved, for example, by creating wildlife habitats from worked out quarries. Sustainability also means safeguarding known locations of specific mineral resources from non-minerals development (such as built development) so they can remain available for extraction for future generations. The Minerals Local Plan Submission Draft document has previously been provided to all members as an appendix to the Full Council report in dated January 14th 2016 and forms a background paper to this report.

6. As part of the evidence gathering process undertaken for the replacement Minerals Local Plan, a series of specific assessment documents were completed and these include a Sustainability Appraisal, a Strategic Transport Assessment and a Strategic Flood Risk Assessment. These documents are included as part of the background papers supporting this report.
7. If the County Council does not have an up to date Minerals Local Plan in place it could result in planning applications for minerals development being submitted and decided on an ad-hoc / 'first come first served' basis. This would result in a lack of certainty for local communities and the minerals industry as to where development could take place. A consequence of this could be that mineral extraction may be permitted at sites that have greater impacts on the environment and local amenity than sites proposed in the replacement Minerals Local Plan.
8. An important part of the Minerals Local Plan process is public consultation and community involvement. Since the plan preparation began in 2012 with the Issues and Options consultation a further four key stages of public consultation have been undertaken, culminating in formal consultation on the proposed Submission Draft Plan in February / March 2016. A number of public exhibitions and meetings have also been held throughout the plan preparation process. In total, the various consultation exercises have generated 7890 representations and 16 petitions.
9. At each informal consultation stage, the responses received have helped to inform the on-going preparation of the Plan. Following the formal consultation process on the proposed Submission Draft Plan, the representations received have been considered and a number of modifications proposed for clarity and consistency with national policy. Appendices A and B of this report set out the summary of the key issues from the Submission Draft consultation and a schedule of the proposed modifications.
10. Members of Environment and Sustainability Committee noted the progress on the plan and the representations received during the formal Submission Draft consultation stage at its meeting on the 22nd September 2016. The report included the main issues raised during the consultation held between February and March 2016 along with the schedule of proposed modifications that will be sent to the planning inspectorate as part of the Minerals Local Plan submission. The schedule of proposed modifications presented to E&S committee is attached in Appendix B.
11. A small advisory cross-party Member/Officer Project Group was established to discuss progress on the process of developing the replacement Minerals Local Plan. This has met in advance of the key consultation stages during the plan preparation process to discuss the main issues as they have arisen and to provide a Member steer on process.

Documents to be submitted to the Secretary of State

12. A comprehensive suite of background information is required to be submitted to the Secretary of State alongside the Nottinghamshire Minerals Local Plan Submission Draft document and the schedule of proposed modifications. This will include:
 - The County Council responses to representations made at the Submission Draft consultation stage

- A statement of consultation (prepared under Regulation 22 of the Local Planning Regulations);
- Duty to Co-operate statement
- The Minerals Local Plan evidence base – which includes:
 - Sustainability Appraisal;
 - Strategic Flood Risk Assessment;
 - Strategic Transport Assessment;
 - Local Aggregates Assessment
 - Landscape Character Assessment;
 - Habitats Regulations Assessment – Screening of potential sites;
 - Health Impact Assessment;
 - Equalities Impact Assessment;
- Representations made at the formal ‘Submission Draft’ consultation stage
- Minerals Local Plan Annual Monitoring Report
- Nottinghamshire County Council Statement of Community Involvement
- Minerals and Waste Local Development Scheme

13. The above documents can be found as part of the background papers supporting this report.

Next Steps

14. Once approved, the Submission draft of the replacement Minerals Local Plan, along with the suite of background documents (as set out above) will be submitted to the Secretary of State.
15. The formal submission of the Plan will be the start of the Examination process and an Independent Planning Inspector will be appointed to consider the representations that have been made and to test the overall soundness and legal compliance of the Plan. Part of this process will involve public hearing sessions where the Inspector will hold round-table sessions to discuss specific issues. He/she will invite further supporting evidence from the County Council and respondents as necessary. Participation in the public hearing sessions will be at the discretion of the Inspector. The public hearing stage of the Examination process is currently expected to be held in spring 2017.
16. Prior to the public hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties to explain the arrangements for these sessions. The Inspector can also raise any initial concerns regarding the soundness of the plan or its legal compliance and to this end, the County Council has taken all reasonable steps to satisfy themselves that the Plan is sound prior to submission.
17. Following the Examination, the Inspector will publish a report which will set out whether or not the Plan is sound. If it is not considered to be sound he/she will suggest any further changes, agreed at the Examination hearing, which should be made to make it so. These changes will subsequently need to be approved by the County Council before the Plan can be adopted formally.
18. In order to ensure the smooth running of this process, some changes may therefore need to be agreed in principle by officers at the Examination hearing stage, in consultation with the Chairman of Environment and Sustainability Committee and the Lead Opposition member of

Environment and Sustainability Committee, and subject to final approval by Members at the adoption stage. It is anticipated that, if the plan is found sound, the County Council will adopt the Minerals Local Plan in autumn 2017.

Other Options Considered

19. Preparation of the Minerals Local Plan is a statutory requirement. Without an up to date planning policy framework in place, planning applications for minerals development could be submitted and decided on an ad-hoc / first come first served basis, resulting in a lack of certainty for local communities and the minerals industry. However other options have been considered in the preparation of the plan such as the level of provision, particularly sand and gravel, and site selection to meet that level of provision. The approach taken in the submission draft document is considered to be the most sustainable way of delivering this statutory function.

Reason/s for Recommendation/s

20. To progress the process by which the Minerals Local Plan will be adopted as required by law.

Statutory and Policy Implications

21. 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, 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.

Equalities Implications

22. An Equalities Impact Assessment has been carried out and the report concludes that there are no adverse impacts.

Financial Implications

23. The costs of preparing and examining the Minerals Local Plan will be met through a reserve which has been established to cover these costs.

RECOMMENDATION/S

- 1) That the Council notes the issues raised at the submission draft consultation stage and proposed modifications set out in Appendix A and B
- 2) That the Council approves the submission of the Submission Draft of the replacement Minerals Local Plan, the schedule of proposed modifications and the accompanying evidence base to the Secretary of State for an independent examination.
- 3) That the Corporate Director, Place, be authorised, in consultation with the Chairman of Environment and Sustainability Committee, to agree any minor editing changes prior to submission.

- 4) That the Corporate Director, Place be authorised, in consultation with the Chairman of Environment and Sustainability Committee and the Lead Opposition member of Environment and Sustainability Committee, to agree in principle any necessary amendments to the Minerals Local Plan Submission Draft during the Examination process, subject to adoption of the final plan by Full Council.

Councillor Jim Creamer

Chairman of Environment and Sustainability Committee

For any enquiries about this report please contact:

Sally Gill, Group Manager, Planning, 0115 9932608

Jonathan Smith, Interim Planning Policy Team Manager, 0115 9932580

Constitutional Comments (RHC 09/11/2016)

24. Council is the appropriate body to consider the contents of this report

Financial Comments (SES 01/11/16)

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

Background Papers and Published Documents

- The Nottinghamshire Minerals Local Plan Submission Draft document (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-and-waste-planning-policy/previous-consultations>)
- Schedule of proposed modifications (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan/new-minerals-local-plan>)
- The County Council responses to the representations made at the Submission Draft consultation stage. (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan/new-minerals-local-plan>);
- Statement of consultation (prepared under regulation 22 of the Local Planning Regulations) (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan/minerals-local-plan-evidence-base>);
- Duty to Co-operate statement (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan/minerals-local-plan-evidence-base>);
- Assessment documents that make up the evidence base;
 - Sustainability Appraisal;
 - Strategic Flood Risk Assessment;
 - Strategic Transport Assessment;

- Landscape Character Assessment;
- Habitats Regulations Assessment – screening of potential sites;
- Health Impact Assessment;
- Equalities Impact Assessment;
- Nottinghamshire and Nottingham Local Aggregates Assessment.

(www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan/minerals-local-plan-evidence-base)

- Representations made at the formal ‘Submission Draft’ consultation stage (<http://nottinghamshire.jdi-consult.net/localplan/>);
- Minerals Local Plan Authority Monitoring Report (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-and-waste-planning-policy/monitoring>);
- Nottinghamshire County Council Statement of Community Involvement (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-and-waste-planning-policy/statement-of-community-involvement>)
- Minerals and Waste Local Development Scheme (<http://www.nottinghamshire.gov.uk/planning-and-environment/minerals-and-waste-planning-policy/minerals-and-waste-development-scheme>)

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

Electoral Division(s) and Member(s) Affected

All

Summary of key issues from Submission Draft consultation

The formal stage of consultation on the Submission Draft document was undertaken in February 2016 and set out the final set of draft policies and site specific allocations. The consultation considered the 'soundness' and legal compliance of the Submission Draft document. As part of the consultation, 937 representations from a total of 297 organisations or individuals were received. This included statutory bodies, local district and parish councils, members of the public, the minerals industry and interested groups. One petition was re-submitted.

The majority of comments received on the Submission Draft document related to the proposed site allocations. The following paragraphs summarise the main issues raised and how these have been addressed. Appendix B sets out the schedule of proposed modifications resulting from this consultation. These should be read alongside the Submission Draft document.

Level of future provision

Representations made

Members of the public and local action groups made representations stating that expected demand for minerals over the plan period (particularly for sand and gravel) has been over stated due to the use of older sales data that does not reflect the current situation. The minerals industry however has made representations stating that additional reserves (above those already proposed for allocation) are needed to meet expected future growth.

County Council response

The average sales data used to forecast future demand in the minerals plan covers the 10 year period 2002-2011. This was the most recent data available at the time of the start of plan preparation and incorporates five years of high production (pre-recession) and five years of very low production (recession period). This is considered to provide a robust figure from which to forecast future demand as it provides sufficient flexibility to allow for growth in the future.

It is not considered appropriate to use the most recent 10 year average sales data (2005-2014) as it is heavily influenced by the recession. Identifying future demand based on these figures could run the risk of not providing a steady and adequate supply of minerals as required by national guidance, particularly if economic activity and growth increases during this period. This could result in a shortage of reserves, planning applications for unallocated sites being submitted and a need to review the plan early to identify additional reserves. Equally it is not considered appropriate to identify further reserves above that set out in the plan.

Additional work undertaken to address issue

In order to verify the methodology used to determine the need and apportionment figures a legal view was sought. This concluded that the methodology used was reasonable and in principle robust.

The availability of recycled aggregates

Representations made

Alongside representations regarding the overall future levels of provision, representations were made stating that data on the production of recycled aggregates had not been taken into account when forecasting future demand. Respondents argued that if this data was incorporated, the overall demand for primary aggregates would be significantly reduced.

County Council response

Recycled aggregates provide a valuable source of material, minimising the need for primary aggregates. Nationally it is estimated that recycled aggregates contribute about 29% of total aggregate sales, three times higher than the European average. However it is acknowledged by both the British Geological Survey and the Minerals Products Association that significant future growth is limited due to the high levels already being recycled along with changing construction methods which are also likely to reduce the availability and quality of these materials in the future.

Local data for recycled aggregates is very limited and based on estimates derived from periodic national surveys. A large proportion of material is reused on site for engineering and landscaping purposes but the amounts used are not recorded.

The 10 year sales average for each of the aggregate minerals only takes account of sales of primary aggregates, however recycled aggregates are freely available on the open market and will already meet specific needs.

Additional work undertaken to address the issue

No additional work is required at this stage, as estimates of future requirements set out in the LAA already take account of the proportion being met from alternative aggregates and represent the amount of additional primary aggregate needed.

Transport issues

Representations made

Respondents raised concerns regarding the impacts of additional HGV traffic from the proposed quarries on the surrounding highway network in terms of congestion, road safety and vehicle emissions.

County Council response

As part of the evidence base, a Strategic Transport Assessment has been undertaken to assess the wider impact of additional HGV traffic from the proposed quarries. This concluded that none of the proposed allocation sites would have an unacceptable highways impact.

Additional work undertaken to address the issue

An addendum to the original transport assessment was produced using the most recent data available and published during the consultation period, however the conclusions from the addendum remained unchanged. As part of any planning application a detailed site specific Transport Assessment would be required.

Flood risk

Representations made

Concerns were raised about the possibility of new sand and gravel quarries increasing the risk of flooding where these are located in the floodplain.

County Council response

Detailed advice has been sought from the Environment Agency and a Strategic Flood Risk Assessment (SFRA) has been carried out to help inform the preparation of the plan. This considers the risk of flooding from all sources, now and in the future, taking account of climate change impacts and assesses the impact of proposed minerals development.

Sand and gravel extraction is defined within the national Planning Policy Practice guidance as 'water compatible' and is therefore acceptable within the floodplain subject to certain prescribed safeguards which are reflected within the plan.

Additional work required to address the issue

Where necessary, the requirement to carry out a site-specific Flood Risk Assessment at the detailed planning application stage will be required and has been incorporated into the development brief for relevant sites. Therefore no additional work is required at this stage

Landscape, biodiversity and heritage issues

Representations made

Respondents raised concerns about potential landscape, biodiversity and heritage impacts at proposed sites.

County Council response

Advice has been sought from relevant statutory bodies and the Council's landscape, conservation and heritage teams at each stage of plan preparation and the policies and proposals within the plan are subject to a rigorous process of on-going sustainability appraisal which has helped to inform the process of site selection in order to minimise potential site-specific impacts and to identify appropriate mitigation measures where there are unavoidable impacts.

Additional work required to address the issue

The assessment work undertaken confirms that the allocations are in principle suitable for future minerals development. No additional work is required at this stage as more detailed site specific assessment work would be required as part of any planning application.

Site allocations

Representations made

As well as the main issues summarised above, a number of respondents felt that there was a lack of detailed information provided regarding the operation of the proposed quarries along with the potential impacts that could arise as a result on the surrounding area.

County Council response

The strategic assessment work undertaken confirms that the sites allocated in the plan are those that are in principle suitable for future mineral extraction and in combination will provide a steady and adequate supply of minerals over the plan period to meet the expected demand.

Additional work required to address the issue

No additional work is required at this stage, as detailed information regarding the operation of the quarry such as the extent of quarrying, site screening and the location of on-site machinery along with detailed assessment work would be undertaken at the planning application stage.

Extraction of Shale Gas

Representations made

A number of respondents raised concerns about the future extraction of Shale Gas reserves, seeking either a moratorium on the development of Shale Gas, or the inclusion of a separate policy.

County Council response

The National Planning Policy Framework requires all Minerals Planning Authorities to identify and include policies for extraction of locally and nationally important minerals, including both conventional and unconventional hydrocarbons (e.g. Shale Gas and Coal Bed Methane). The emerging Minerals Local Plan contains a policy covering all types of hydrocarbon minerals including oil, gas, coal bed methane and shale gas. This is in line with national guidance and identifies the key stages of development; Exploration, Appraisal, Extraction and Restoration. A separate policy for shale gas is not required as the planning process is the same for all types of hydrocarbons.

Additional work undertaken to address response

As a result of the recommendation at Full Council, an information paper on oil and gas developments in Nottinghamshire was produced and included on the County Council website.

The formal consultation process was too complicated and not user friendly

Representations made

Respondents raised concerns over the formal consultation process particularly regarding the complexity and availability of the standard consultation form and that hand written letters or emails were not being considered as part of the consultation.

County Council response

The consultation form was produced in line with best practice contained in the PAS guidance document and was available to download from the County Council website or in paper form on request. Representations could also be made using the County Councils online consultation system.

As the consultation form/online system included important elements, including whether individuals wished to appear at the examination in public and the questions regarding soundness and legal compliance, any representations that were submitted not using these methods were returned with a copy of the form, inviting the respondent to complete all sections. This was to ensure that members of the public were given the opportunity to fully participate in the process and provide all of the information required by the Planning Inspectorate as there is no guarantee that the inspector will take account of these representations.

Additional work required to address the issue

No additional work is required at this stage as all of the representations received within the consultation period have been registered and will be sent to the planning inspector for consideration.

All of the representations received have been used to inform the preparation of the submission document, where appropriate.

Appendix B - Nottinghamshire Minerals Local Plan Proposed Modifications

To be read alongside the Minerals Local Plan Submission Draft document

Key to Proposed Modifications
~~Text to be removed~~
Text to be added

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
1	Chapter 2: Overview of the Plan area (p16)	2.16	Much of Nottinghamshire is underlain by important groundwater resources used for industry, agriculture and drinking water. The River Trent and Idle also provide important surface water resources. Whilst water quality is good overall, there are problems with the level of nitrates and phosphates in the soil in large parts of the County which can in turn affect water quality. The whole of north Nottinghamshire is therefore designated as a nitrate vulnerable zone	In response to representation (s) received an amendment to the text has been made to recognise the role of phosphates in affecting water quality
2	Chapter 2: Nottinghamshire's mineral resource and industry (p19)	2.21	Amend section title: Nottinghamshire's natural mineral resource and industry	In response to representation (s) received, an amendment to the text has been made to provide clarification about the subject of this section
3	Chapter 2: Nottinghamshire's mineral resource and industry (p19)	2.27	Insert additional paragraph after paragraph 2.27: Recycled and secondary aggregates contribute to the supply of aggregates nationwide. In Nottinghamshire the main sources of these materials include construction and demolition waste, power station ash, road planings and rail ballast. In the past colliery spoil and river dredging were also used.	In response to representation (s) received, additional text has been inserted to provide clarification that the Plan has considered the role of secondary and recycled aggregates.
4	Chapter 2: Strategic Objectives (p22)	2.30 SO2	SO2: Providing an adequate supply of minerals Assist in creating a prosperous, environmentally sustainable and economically vibrant County through providing an adequate supply of all minerals to assist in economic growth both locally and nationally. Provide sufficient land to enable a steady and adequate supply of minerals over the plan period. Assist in creating a sustainable and economically vibrant County through providing an adequate supply of all minerals to assist in economic growth both locally and nationally.	In response to representation (s) received, a typographical error has been corrected and repetition within the objective removed.
5	Chapter 3: SP3 – Biodiversity-Led Restoration (p32)	3.27	Move entire paragraph 3.27 (as below) to below paragraph 3.13 (as part of Introduction text) It is recognised that in some cases, restoration for leisure uses or for agriculture may be appropriate. Nevertheless, such restorations can still be 'biodiversity-led', for example by ensuring that agricultural restorations reinstate native hedgerows with wide field margins, and create new areas of species-rich grassland, copses and ponds.	The County Council has incorporated the paragraph into the introductory text to Policy SP3 to aid in clarifying the purpose and meaning of the policy

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
6	Chapter 3: SP3 – Biodiversity-Led Restoration (p33)	3.34	Minerals development can contribute towards meeting Water Framework Directive objectives, including by facilitating improvements to water quality, riverine habitats, floodplain reconnection and improving the status of fish populations, and restoration schemes will be expected to contribute towards these objectives, where appropriate.	In response to a representation made by the Nottinghamshire Wildlife Trust, an amendment has been made to recognise that mineral extraction can provide an opportunity to reconnect rivers to their floodplains.
7	Chapter 3: SP6 – The Built, Historic and Natural Environment (p39)	SP6 – The Built, Historic and Natural Environment	Amend Policy SP6, bullet point 3: Heritage assets (designated and non-designated) and their setting , and other cultural assets	In response to a representation made by the National Trust objection, an amendment to Policy SP6 has been made to take account of the setting of heritage assets
8	Chapter 3: SP6 – The Built, Historic and Natural Environment (p40)	3.60	<p>Insert after first sentence of paragraph 3.60: <i>There are currently over 18,000 archaeological sites and historic features in Nottinghamshire registered on the Historic Environment Record, including:</i></p> <p><i>National designations:</i></p> <ul style="list-style-type: none"> - <i>3,700 listed buildings</i> - <i>Over 150 scheduled monuments</i> - <i>19 Registered Parks and Gardens</i> - <i>1 Battlefield</i> <p><i>Local designations:</i></p> <ul style="list-style-type: none"> - <i>174 Conservation Areas</i> - <i>Creswell Crags (which straddles the boundary between Nottinghamshire and Derbyshire) is also recognised for its international importance as this is currently on the UNESCO tentative list for Inscription as a World Heritage Site</i> <p>And create new paragraph starting at existing text ‘Mineral extraction by its very nature...’</p>	In response to a representation (s) made, a description of heritage assets has been inserted which is consistent with the description of conservation designations.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
9	Chapter 4: MP1 Minerals Provision (p48)	4.10	Insert additional paragraph after paragraph 4.10: <i>The average sales data used to forecast future demand in the minerals plan covers the 10 year period 2002-2011. This was the most recent data available at the start of the plan preparation and incorporates five years of high sales (pre-recession) and five years of very low sales (recession period). This is considered to provide a robust figure from which to forecast future demand as it provides sufficient flexibility to allow for growth in the future.</i>	The County Council has inserted an additional paragraph to provide further clarification
10	Chapter 4: MP2 Sand and gravel provision (p54)	4.27	The existing permitted area is located to the east of Sturton le Steeple village, approximately 9km south of Gainsborough. The quarry was granted planning permission in 2008 but extraction has yet to commence. Planning permission is due to expire in 2017 but it is likely that the operator will seek a further extension of time. The planned output for the site is 500,000 tonnes per annum and has an expected life of 20 years. The quarry will be restored to agriculture and nature conservation. <i>The quarry will be restored to a combination of nature conservation including wetland, agriculture and forestry.</i> (See appendix 4 – inset 6).	In response to a representation (s) received, a factual amendment has been made.
11	Chapter 4: MP2 Sand and gravel provision (p54)	4.32 – 4.33	4.32 The Northern <i>Southern</i> extension (MP2ed) is expected to start in 2018 once the permitted site has been worked out. The allocation covers 42ha <i>8.7ha</i> and is expected to last 8 years until 2026. Output is planned at 80,000 tonnes per annum. 4.33 The Southern <i>Northern</i> extension (MP2d c) will replace Scrooby north <i>South</i> in 2026. The allocation covers 8.7ha <i>12ha</i> and is expected to last 8 years. Output is planned at 80,000 tonnes per annum. (See appendix 4 – inset 3)	In response to changes in operational practicalities at the site, a factual update has been made.
12	Chapter 4: MP2 Sand and gravel provision (p55)	4.36	The existing quarry is located to the north west of Besthorpe village near Newark. The quarry has sufficient permitted reserves until the end of 2017. Output at the quarry is 300,000 tonnes per annum. Historically a proportion of the sand and gravel produced at the quarry was barged up the river to the Europort at Wakefield. However it is uncertain if this will continue in the future. The site is <i>predominantly</i> being restored to agriculture and wetland area wetland habitats and will be <i>is being</i> managed by Nottinghamshire Wildlife Trust.	In response to a representation (s) received, a factual amendment has been made.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
13	Chapter 4: MP2 Sand and gravel provision (p57)	4.49	This is an allocation for a new greenfield site located to the north east of Coddington, 6km east of Newark. The allocation covers 126ha and has an estimated life of 20 years with an output of 500,000 tonnes per annum. The quarry is expected to serve the South Yorkshire and Nottinghamshire markets. No specific strategic highways issues have been identified in the Transport Assessment for the Coddington site either on its own or an in combination with other sites within the vicinity, however it is acknowledged that congestion on the local road network can be influenced by traffic levels or accidents on the A1, particularly around the A1/A46/A17 junctions. Highways England have stated that a major highways improvement scheme for the area could begin between 2020 and 2025, although an exact start date and predicted build time has yet to be confirmed. The minerals operator has stated that the estimated start date for the Coddington proposal is likely to be during this time. A major highways improvement scheme for the area, the A46 Newark Northern Bypass, is included in the government's Road Investment Strategy to be commenced in the period 2020-2025. The minerals operator has stated that the estimated start date for the Coddington proposal is likely to be during this time. Highways England is also seeking to deliver shorter term measures to address safety issues on the A46 and A1 at Newark.	In response to a representation from Highways England, a factual update has been made.
14	Chapter 4: MP2 Sand and gravel provision (p57)	4.52	This is an allocation for a new green field site that is located approximately 9km east north east of Nottingham. It is bounded by the River Trent to the north and west, the village of Shelford to the east and agricultural land rising up to an escarpment to the south. Output from the site would be 500,000 tonnes per annum, with 180,000 tonnes of that going by barge along the River Trent to a processing plant wharf at Colwick industrial estate. It is expected this will supply concrete batching plants in the area. The site is expected to be operational in 2016 and would be worked over a period of 14 years (see appendix 4 – inset 21).	In response to a representation (s) received, a factual amendment has been made.
15	Chapter 4: MP3 Sherwood Sandstone provision (p61)	4.61	This existing quarry is located 2 miles to the north east of Worksop. The quarry has sufficient permitted reserves until the end of 2016 at its planned output of 30,000 tonnes per annum. The quarry will be restored to agriculture woodland and acid grassland.	In response to a representation (s) received, a factual amendment has been made.
16	Chapter 4: MP10 Building stone provision (p71)	4.97	To date no other sites have been put forward, however demand for a specific building stone could drive the need to develop a new quarry. In this instance criterion 2 in policy MP10 will be used to assess future applications at other sites to ensure that the specialised resource is not used for aggregate purposes. This is in line with national requirements to make the best use of the limited resources to secure long-term conservation. . This will ensure any proposed developments will need to demonstrate both a need for the mineral and that, in line with Strategic and Development Management Policies, no unacceptable impacts will arise from the development. Particular provision has been put in place to ensure that this specialised material is not used for aggregate purposes in line with national requirements to make the best use of limited resources to secure long-term conservation.	In response to a representation (s) received, the justification text has been amended to ensure it is in line with previous changes to the policy.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
17	Chapter 4: MP12 Hydrocarbon minerals (p76)	MP12 Hydrocarbon minerals	Remove point 4 of Policy MP12 and renumber point 5 4. Where proposals for hydrocarbons development coincide with areas containing other underground mineral resources, evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected	In response to a representation (s) the policy has been amended to make the policy consistent with national policy.
18	Chapter 4: MP12 Hydrocarbon minerals (p76)	4.116	Petroleum Exploration and Development Licences Licences (PEDL) are issued by the Department for Energy and Climate Change (DECC) The Oil and Gas Authority under powers granted by the Petroleum Act 1998. The current licensed areas are shown on the policies map and were issued during a licensing round in 2015.	The County Council has made a factual update and amended typographical errors.
19	Chapter 4: MP12 Hydrocarbon minerals (p76)	4.117	PEDL licenses allow the holder to explore for and develop unconventional gas; to “search for, bore and get hydrocarbons” subject to access rights. A UK Petroleum Exploration and Development Licence (PEDL) allows a company to pursue a range of oil and gas exploration activities, subject to necessary drilling/development consents and planning permission.	In response to a representation (s) received, an amendment has been made to correctly define PEDLs.
20	Chapter 4: MP12 Hydrocarbon minerals (p77)	4.118	Amend first bullet point of paragraph 4.118: - Department for Energy and Climate Change The Oil and Gas Authority – Issues Petroleum PEDL Licences, gives consent to drill under the Licence once other permissions and approvals are in place, and have responsibility for assessing risk of and monitoring seismic activity, as well as granting consent to for flaring or venting;	The County Council has made a factual update and amended a typographical error.
21	Chapter 5: DM2 – Water Resources and Flood Risk (p84)	DM2 – Water Resources and Flood Risk	Amend bullet point 2 of Policy DM2: There are no unacceptable risks of polluting ground or surface waters	In response to a representation (s) received an amendment has been made to ensure the policy is deliverable and achievable; it would not be possible to demonstrate that there would be no risk.
22	Chapter 5: DM2 – Water Resources and Flood Risk (p84)	DM2 – Water Resources and Flood Risk	Amend bullet point 5 of Policy DM2: Minerals development should include Sustainable Drainage Systems (SuDS) to manage surface water drainage unless it can be demonstrated that alternative measures are acceptable shown that it is impracticable to do so.	In response to a representation (s) received an amendment has been made to ensure consistency with Planning Practice Guidance.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
23	Chapter 5: DM2 – Water Resources and Flood Risk (p85)	5.26	Applicants must also consider potential flood risk issues at the outset of any scheme. National guidance states that inappropriate development in areas of high flood risk should be avoided by directing development away from areas of highest risk. However minerals can only be worked where they are found and extraction is therefore classed as a temporary activity. Due to their specific nature, mineral workings are classified as either Water Compatible or Less Vulnerable development. As such, minerals development can be permitted within Flood Zone 1, Flood Zone 2 and Flood Zones 1, 2 and 3a. Sand and gravel quarries are also appropriate in Flood Zone 3b subject to meeting additional criteria. subject to satisfying what is known as the Sequential Test. The purpose of this is to steer development towards those areas with the least probability of flooding. The site selection process for the site allocations identified within the Local Plan has taken account of the Sequential Test, the purpose of which is to steer new development to areas with the lowest probability of flooding.	In response to a representation (s) received amendments have been made to correctly reference the suitability of minerals development in different Flood Zones and to clarify that the Sequential Test has been completed as part of the site allocation process.
24	Chapter 5: DM2 – Water Resources and Flood Risk (p86)	5.28	The national Planning Practice Guidance provides a checklist of relevant information to be included in a details as to the content of Sites Specific Flood Risk Assessments. As a minimum assessments should take account of : <ul style="list-style-type: none"> - The areas liable to flooding - The probability of flooding occurring, both during operation and after - The extent and standard of existing flood defences and their effectiveness over time - The likely depth of flooding - The rates of flow likely to be involved - The likelihood of impacts to other areas, properties and habitats - The potential effects of climate change - Identify opportunities to reduce overall flood risk - Application of the sequential test at a site level 	The County Council has made an amendment to address a recommendation of the Strategic Flood Risk Assessment, as set out in PPG
25	Chapter 5: DM2 – Water Resources and Flood Risk (p86)	5.30	Careful site design at the planning application stage will be required to address potential flood issues and emergency planning , including locating any stockpiles, storage mounds, fixed plant or buildings in the least vulnerable parts of the site and, if it is not possible to locate any essential sleeping or residential accommodation for staff in areas not vulnerable to flooding, to ensure that they are subject to a specific flood warning and evacuation plan. Where appropriate, Sustainable Drainage Systems (SuDS) that are capable of storing and controlling the discharge of water should be incorporated into the design of the proposals.	The County Council has made an amendment to address a recommendation of the Strategic Flood Risk Assessment, as required by PPG

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
26	Chapter 5: DM4 – Protection and enhancement of biodiversity and geodiversity	5.57	The BOM and AMES studies have been carried out for parts of Nottinghamshire along the River Trent and Biodiversity Opportunity Mapping has been substantially completed for approximately two-thirds of Nottinghamshire, including the Trent Valley. Complementary work on Areas of Multiple Environment Sensitivity has also been completed for the Trent Valley. Both studies should be used to help to inform proposals for mineral workings and restoration.	In response to a representation (s) received, a factual update has been made.
27	Chapter 5: DM5 – Landscape Character (p95)	DM5 – Landscape Character	Amend bullet point 2 of Policy DM5: Landscaping, planting and r Restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire and, where appropriate, the output of the Biodiversity Opportunity Mapping study and the Areas of Multiple Environmental Sensitivity Study.	In response to a representation from the National Trust, an amendment has been made to include landscaping and planting schemes
28	Chapter 5: DM6 – Historic Environment (p97)	DM6 – Historic Environment	Amend bullet point 1 a) of Policy DM6: There will not be an adverse impact on any designated heritage asset , or a non-designated heritage assets of archaeological interest that is demonstrably of equivalent significance to a scheduled monument , and/or their settings; or Amend bullet point 1 b) of policy DM6: Public benefits related to the development outweigh the harm to, or loss of, any designated heritage asset or non-designated heritage asset of archaeological interest that is demonstrably of equivalent significance to a scheduled monument or non-designated heritage assets and/or their settings. Where this is the case, the harm or loss should be mitigated as far as possible. Insert an additional point above existing point 2: Proposals directly or indirectly affecting non-designated heritage assets, except those assets listed in point 1, will be supported where it can be demonstrated that the scale of any harm or loss balanced with the significance of the heritage asset affected is outweighed by the public benefits of the development.	In response to a representation (s) received, amendments have been made to clarify the position regarding designated and non-designated heritage assets to make the policy consistent with national policy.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
29	Chapter 5: DM6 – Historic Environment (p97)	5.70	<p>Insert additional paragraphs after paragraph 5.70:</p> <p>National policy recognises the importance of minimising the impacts on designated and non-designated heritage assets and their settings and requires a distinction to be made between the relative significance of the heritage assets. The NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.’ It states that substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the NPPF states that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.</p> <p>The NPPF also requires Local Planning Authorities to take account of the effect that a planning application would have on the significance of a non-designated heritage asset when determining the application. When considering non-designated heritage assets, a balanced judgement will be required.</p>	In response to a representation (s) received, an amendment has been made to reflect the change to Policy DM6 (Proposed Modification 28) in terms of clarifying the position regarding designated and non-designated heritage assets.
30	Chapter 5: DM6 – Historic Environment (p98)	5.72	<p>There are over 18,000 archaeological sites and historic features in Nottinghamshire currently registered on the Historic Environment Record, including:</p> <ul style="list-style-type: none"> — 3,700 listed buildings — Over 150 scheduled monuments — 174 Conservation Areas — 19 Registered Parks and Gardens — 1 Battlefield - Creswell Crags (which straddles the boundary between Nottinghamshire and Derbyshire) is also recognised for its international importance as this is currently on the UNESCO tentative list for Inscription as a World Heritage Site <p>Nottinghamshire contains thousands of archaeological sites and historic features including national designations (including Listed Buildings, Scheduled Monument, Registered Historic Parks and Gardens and Battlefields), local designations (including Conservations Areas and locally listed buildings and parks) and un-designated assets such as known or unknown buried archaeology. One site, Creswell Crags, is currently on the UNESCO tentative list for Inscription as a World Heritage Site.</p>	In response to a representation (s) received an amendment has been made to reflect change made to SP6 Justification Text (Proposed Modification 8)

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
31	Chapter 5: DM10 – Airfield Safeguarding (p107)	DM10 – Airfield Safeguarding	Remove bullet point c) from Policy DM10: c) Hucknall Aerodrome	In response to a representation (s) received, a factual update has been made to reflect the closure of the aerodrome.
32	Chapter 5: DM10 – Airfield Safeguarding (p107)	5.108	There are nine eight licenced safeguarded airfield areas affecting Nottinghamshire and these are identified on Plan 5. <i>Other, non-licenced, aerodromes may be safeguarded by privately agreed consultation with the Local Planning Authority. This is called ‘unofficial’ safeguarding and is not obligatory under Statutory Direction. However, the County Council acknowledges the Government’s advice that ‘aerodrome owners should take steps to safeguard their operations’ and as such Policy DM10 will also apply to these ‘unofficial’ safeguarded areas as recorded by Local Planning Authorities</i>	In response to a representation (s) received, a factual change to the number of airfields has been made. An additional change has also been made to acknowledge that other local airfields exist and that Policy DM10 also applies to such airfields.
33	Chapter 5: DM10 – Airfield Safeguarding (p108)	Plan 5	Remove Hucknall Aerodrome and its safeguarding area from Plan 5 (see new Plan at end of table)	In response to a representation (s) received, a factual update has been made to reflect the closure of the aerodrome.
34	Chapter 5: DM12 – Restoration, After-Use and Aftercare (p113)	5.125	Insert additional paragraph after paragraph 5.123: <i>The ‘Bigger and Better’ document prepared by the RSPB in partnership with other environmental organisations, promotes a strategic, landscape scale approach to biodiversity-led minerals restoration which will help to establish a coherent and resilient network of wetlands across the whole of the Trent and Tame River Valleys. In addition, a more detailed concept plan has been developed for the section of the Trent Valley between Newark and South Clifton which is intended to complement the existing positive approach towards future mineral site restoration in this area.</i>	In response to a representation from Natural England, additional text has been included to reference the document in the plan.
35	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p116)	Section Title	Amend section title: DM13: Minerals Safeguarding and Consultation Area <i>and Important Mineral Infrastructure</i>	In response to a representation (s) received, an amendment has been made to reflect changes to the section as it now includes discussion of mineral infrastructure (Proposed Modification 39)

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
36	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p116)	DM13: Minerals Safeguarding and Consultation Areas	<p>DM13: Minerals Safeguarding and Consultation Areas</p> <p>Safeguarding Areas</p> <ol style="list-style-type: none"> 1. Economically important mineral resources will be safeguarded from needless sterilisation by non-mineral development through the designation of minerals safeguarding areas as identified on the Policies Map. 2. Development within minerals safeguarding areas will have to demonstrate that mineral resources of economic importance will not be needlessly sterilised as a result of the development and that the development would not pose a serious hindrance to future extraction in the vicinity. 3. Where this cannot be demonstrated, and where there is a clear and demonstrable need for the non-minerals development, prior extraction will be sought where practicable. <p>Consultation Areas</p> <ol style="list-style-type: none"> 4. District and Borough Councils within Nottinghamshire will consult the County Council as Minerals Planning Authority on proposals for non-minerals development within the designated Minerals Consultation Area, as shown on the Policies Map. 5. The Minerals Planning Authority will resist inappropriate development within the Minerals Consultation Areas. 	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.
37	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p116)	5.136	The Minerals Safeguarding Areas (MSA) identify the mineral resources which are worthy of safeguarding and the Minerals Consultation Area (MCA) identify the areas within Nottinghamshire where the District and Borough authorities are required to consult the Minerals Planning Authority over non-minerals development. The NPPF encourages the prior extraction of minerals before alternative uses are permitted. In Nottinghamshire the safeguarding and consultation areas are identical (with the exception of Colwick Wharf) and as such one map has been produced and is included on the Minerals Policies Map.	<p>The County Council has made an amendment to correct a typographical error and to provide additional clarification</p> <p>Additional text has also been included to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf.</p>

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
38	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p118)	5.142	<p>Insert additional paragraphs after paragraph 5.142:</p> <p><i>It is accepted that there may be circumstances where prior extraction may not be appropriate. In these cases the County Council would expect the developer to demonstrate that:</i></p> <ul style="list-style-type: none"> - <i>The mineral concerned is no longer of any value or potential value; or</i> - <i>There is an overriding need for the non-mineral development which outweighs the need for the mineral; or</i> - <i>The proposed non-minerals development site is located on the urban fringe and mineral extraction would be inappropriate in this location; or</i> - <i>The non-mineral development is of a minor nature as defined by the exemption criteria in paragraph 5.140 above</i> <p><i>Where prior extraction can be undertaken, an assessment should be undertaken to include an explanation of how this will be carried out as part of the overall development scheme.</i></p>	In response to a representation (s) received, additional text has been inserted to clarify the level of information required to demonstrate why prior extraction is not appropriate and also to provide exemptions.
39	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p118)	5.145	<p>National policy also refers to the importance of safeguarding minerals infrastructure such as wharves and railheads; however, Nottinghamshire does not currently have any such strategic facilities although this will be kept under review. <i>The NPPF states that Mineral Planning Authorities, when preparing their plans should include policies to safeguard:</i></p> <ul style="list-style-type: none"> - <i>Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials, and</i> - <i>Existing, planned and potential sites for concrete batching, the manufacture of coated materials and other concrete products, and other concrete products, and the handling, processing and distribution of recycled and secondary aggregate mineral.</i> <p><i>Wharfs</i> <i>Nottinghamshire does not contain any rail heads and rail links to quarries, however, two wharfs are located within the County:</i></p> <ul style="list-style-type: none"> - <i>Besthorpe – this wharf is directly linked to Besthorpe quarry and is used to transfer sand and gravel by barge to South Yorkshire.</i> - <i>Colwick – this is a general –purpose wharf that has previously been used as a river dredging transfer facility. It has also been identified as a location to land and</i> 	In response to a representation (s) received, an amendment has been made to clarify the County Council's approach to the safeguarding of mineral infrastructure.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
			<p>distribute a proportion of the sand and gravel output from the proposed Shelford quarry allocation.</p> <p>It is not considered appropriate to safeguard the Besthorpe Wharf as it is located in a remote greenfield location and is poorly connected to the road network should sand and gravel cease to be worked in this area in the future.</p> <p>However as Colwick Wharf has been identified for use as part of the Shelford quarry proposal, is located close to the built up area and is on an existing industrial estate it is considered necessary to identify it as part of the consultation areas.</p> <p>Secondary Processing Facilities Concrete batching plants, coated road stone and other minerals infrastructure provide materials to maintain both existing infrastructure and new developments. In Nottinghamshire these facilities are associated with concrete, mortar and asphalt plants which utilise sources of aggregates to make 'value added' products. The facilities are relatively small in nature and whilst some are located on existing mineral workings, other are stand-alone facilities on industrial estates in urban areas.</p> <p>Due to the large number of these sites within the County and the majority of these being located on existing industrial estates, which are identified within District/Borough Local Plans, there is no indication that any individual plant is important in its own right. In addition, such plants are also physically relocatable and as such are considered non-strategic and will not be safeguarded by the County Council.</p>	
40	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p119)	Plan 6	Add Colwick Wharf to Plan and Key	The County Council has made an amendment to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf
41	Glossary (p132)	-	Minerals Consultation Area (MCA): An area identified to ensure consultation between the relevant District or Borough planning authority, the minerals industry and the Minerals and Waste Planning Authorities before certain non-mineral planning applications made within the area are determined. The Nottinghamshire Minerals Consultation Area covers the same area as the Minerals Safeguarding Area (with the exception of Colwick Wharf) .	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
				Additional text has also been included to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf
42	Appendix 2: Delivery Schedules (p138)	Sand and Gravel Delivery Schedule	Amend sand and gravel delivery schedule to bring MP2d to be worked prior to MP2c.	In response to representation (s) received, a factual update has been made to reflect operational practicalities at the site.
43	Appendix 3: Site Allocation Development Briefs (p149)	MP2f Besthorpe South	<p>Amend last paragraph of Quarry Restoration section: Given the proximity of the site to the River Trent, the potential for flood plain reconnection should also be considered as part of the restoration scheme. an additional consideration is the opportunity for floodplain reconnection in this area, which would bring ecological and sustainable flood management benefits, potentially through realignment of the floodbank, and which could include river braiding. Dialogue should be begun with the Environment Agency at an early stage to explore these ideas.</p> <p>Amend bullet point under Water and Flooding section: - No excavation within 45m of the two of any flood defence or the River Trent itself, except where part of an agreed restoration plan to reconnect the floodplain to the river.</p>	In response to representation (s) received, an amendment has been made to clarify the potential of the site in relation to floodplain reconnection.
44	Appendix 3: Site Allocation Development Briefs (p153)	MP2h Langford West	<p>Amend second to last paragraph of Quarry Restoration section: Restoration should avoid habitat packing, where small areas of lots of habitats are packing into the site. Where possible opportunities to naturalise the channel and reconnect the river with its natural floodplain should be considered. Given the proximity of the site to the River Trent, an additional consideration is the opportunity for floodplain reconnection in this area, which would bring ecological and sustainable flood management benefits, potentially through realignment of the floodbank, and which could include river braiding. Dialogue should be begun with the Environment Agency at an early stage to explore these ideas.</p> <p>Amend bullet point under Water and Flooding section: - No excavation within 45m of the two of any flood defence or the River Trent itself, except where part of an agreed restoration plan to reconnect the floodplain to the river.</p>	In response to representation (s) received, an amendment has been made to clarify the potential of the site in relation to floodplain reconnection
45	Appendix 3: Site Allocation Development Briefs (p162)	MP2m Barnby Moor	<p>Additional bullet point under Water and Flooding section: - Consideration of impact on fishing lakes to north of the site</p>	In response to representation (s) received, an amendment has been made to ensure this potential impact is considered as part of any subsequent planning application

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
46	Appendix 3: Site Allocation Development Briefs (p165)	MP2o Coddington	Additional bullet point under Environmental and cultural designations section: - Potential impact on Langford Moor LWS	In response to representation (s) received, an amendment has been made to ensure this potential impact is considered as part of any subsequent planning application
47	Appendix 3: Site Allocation Development Briefs (p167)	MP2p Flash Farm	Amend second paragraph of Quarry restoration section: Restoration should be biodiversity-led, and precise details will be dependent upon landform, hydrology and substrate characteristics. However, restoration should target the creation of priority habitats could include:	The County Council has made an amendment to provide consistency with other Site Allocation Development Briefs
48	Appendix 3: Site Allocation Development Briefs (p170)	MP2r Shelford	Amend Access and transport section: - 180,000 tonnes per annum transported from the site by barge along the River Trent to Colwick industrial estate for processing - 320,000 tonnes per annum moved by conveyor from the extraction site to the processing plant before being taken by road along the A6097 — Machinery required on the extraction site to be brought in by river - No HGV access to the site from Shelford Hill or Main Road	In response to a representation (s) received, a factual update has been made to reflect changes in intended operational practices at the site
49	Appendix 3: Site Allocation Development Briefs (p170)	MP2r Shelford	Amend second to last paragraph of Quarry Restoration section: Restoration of this site has the potential to provide significant new areas of wetland habitat to increase the overall resource and in doing so contribute to aspirations for these habitats over a 50 year time frame, as per the Trent Valley Biodiversity Opportunity Mapping Project. Restoration should seek to maximise the extent of target habitat(s) and avoid habitat packing, where small areas of lots of habitats are packed into the site, and priority should be given to wetland habitats. Restoration will have to balance these considerations against the need to avoid increasing the potential for bird strike (particularly in relation to East Midlands Airport).	In response to a previous comment from East Midlands Airport, an amendment has been made to avoid any increase in potential bird strike risk.
50	Appendix 3: Site Allocation Development Briefs (p175)	MP3c Scrooby Top North	Amend second paragraph of Quarry Restoration section: Restoration should be biodiversity-led and may include habitat creation and agricultural and biodiversity-led elements.	In response to a representation (s) received an amendment has been made to ensure consistency and to accurately reflect the biodiversity-led restoration approach.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
51	Appendix 4: Policies Map (p180)	Policies Map	Add Colwick Wharf	The County Council has made an amendment to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf
52	Appendix 4: Policies Map (p187)	Subject Area Plan D	Add Colwick Wharf	The County Council has made an amendment to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf
53	Appendix 4: Policies Map (p191)	Inset 3	Amend boundary of SGf – Scrooby to reflect its full extent (bring it directly adjacent to allocation MP2c Scrooby North) (see new Inset 3 at end of table)	In response to a representation (s) received, a factual correction has been made.
54	Appendix 4: Policies Map (p211)	Insets	Insert new Inset 24 to illustrate Colwick Wharf	The County Council has made an amendment to reflect Proposed Modification 39 concerning the safeguarding of Colwick Wharf

Typographical/Drafting Errors

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
55	Contents (p10)	-	DM13: Minerals Safeguarding and Consultation Areas	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas
56	Chapter 1: What is the Minerals Local Plan? (p12)	1.3	Amend paragraph title: Replacing our existing waste minerals policies	In response to representation (s) received, an amendment to correct a typographical error has been made.
57	Chapter 2: Vision (p21)	Vision	Amend sixth paragraph (insertion of comma): All mineral workings will contribute towards 'a greener Nottinghamshire' by ensuring that the County's diverse environmental assets are protected, maintained and enhanced through appropriate working, restoration and after-use and by ensuring that proposals have regard to Nottinghamshire's historic environment, townscape and landscape character, biodiversity, geodiversity, agricultural land quality and public rights of way. This will result in improvements to the environment, contribute to landscape-scale biodiversity delivery, including through the improvements to existing habitats, the creation of large areas of new priority habitat, and the re-connection of ecological networks, with sensitivity to surrounding land uses.	The County Council has made an amendment to correct a typographical error.
58	Chapter 2: Key Diagram (p24)	Plan 3: Key Diagram	Remove 'no window' text on Plan 3 (see new Plan at end of table)	The County Council has made an amendment to correct a typographical error.
59	Chapter 4: MP12 Hydrocarbon minerals (p78)	Plan 4: Coal and Hydrocarbons	Add PEDL 255 to Plan 4 (see new Plan at end of table)	The County Council has made an amendment to correct a drafting error
60	Chapter 3: SP6 – The Built, Historic and Natural Environment (p40)	3.58	Amend paragraph 3.58 as follows: 'It is therefore important to ensure that new minerals development is correctly managed and that no adverse impacts occur at designated sites, or priority habitats and species, as far as possible. Policy SP3 promotes a biodiversity-led restoration approach which seeks to maximise the biodiversity gains resulting from the restoration of mineral sites. '	In response to a representation received, an amendment has been made to correct a typographical error

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
61	Chapter 5: DM12 – Restoration, After-Use and Aftercare (p113)	5.124	Most mineral workings are on with agricultural land. In general where the best and most versatile land is taken for mineral extraction, it is important that the potential for land to be returned to an agricultural after-use be maintained through appropriate landform and soil [profiles].	The County Council has made an amendment to correct a typographical error.
62	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p117)	5.137	The minerals safeguarding approach does not seek to predict how much mineral is likely to be needed over the plan period but safeguards the viable mineral resource. Viability will change over time. With increasing scarcity, resources that are currently considered non-viable will become increasingly viable. However, the entire mineral resource is not safeguarded; it is only the most meaningful and best current estimate of viable resources which has been safeguarded for future assessment and possible use. See Plan 6 below.	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.
63	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p117)	5.139-5.140	<p>5.139 Not every non-mineral development proposal within or close to a Mineral Safeguarding and Consultation Area represents a risk to future minerals extraction. The main risks will arise from proposals to extend built up areas and new development in the open countryside, as such: the following categories of development are exempt from both consultation and safeguarding:</p> <p>5.140</p> <ul style="list-style-type: none"> - Development which is in accordance with adopted District/Borough Local Plan allocations which took account of mineral sterilisation and where prior extraction is not feasible or appropriate; - Temporary development; - Householder planning applications (except for new dwellings); - All applications for advertisements; - Infill development; - Reserved matters; and - Prior notifications (telecoms, forestry, agriculture, demolition). 	The County Council has made an amendment to correct a typographical error.
64	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p118)	5.143	Identification of an Minerals s Safeguarding a Areas does not provide a presumption in favour of working the mineral, and is not a guarantee that there is mineral present of viable quantity or quality. The Minerals Safeguarding and Consultation Areas are identified on the Minerals Policies Map and reflected in each Nottinghamshire District/Borough Adopted Local Plan Policies Maps.	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.

Modification No.	Plan Section (page no.)	Para No./ Policy	Proposed modification	Reason
65	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p118)	5.144	More details on safeguarding can be found in the Nottinghamshire Minerals Safeguarding Background Paper	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.
66	Chapter 5: DM13 – Minerals Safeguarding and Consultation Areas (p119)	Plan 6	Amend title to read: Plan 6: Minerals Safeguarding and Consultation Areas	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.
67	Glossary (p132)	-	Minerals Safeguarding Area (MSA): The MSA is defined by minerals and waste planning authorities. They include viable resources of minerals and are defined so that inferred resources of minerals are not sterilised by non-mineral development. The MSA does not provide a presumption for these resources to be worked. The Nottinghamshire Minerals Safeguarding Area covers the same areas as the Minerals Consultation Area.	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.
68	Appendix 3: Site Allocation Development Briefs (p169)	MP2r Shelford	Amend last paragraph of Quarry restoration section: Given the proximity of the site to the River Trent, an additional consideration is the opportunity for floodplain reconnection in this area, which would bring ecological and sustainable flood management benefits, potentially through realignment of the floodbank, and which could include river re-braiding. Dialogue should be begun with the Environment Agency at an early stage to explore these ideas.	The County Council has made an amendment to correct a typographical error.
69	Appendix 5: Monitoring and Implementation Table (p224)	DM13: Minerals Safeguarding and Consultation Areas	Title: Policy DM13: Minerals Safeguarding and Consultation Areas Target: No applications for non-minerals development granted where minerals safeguarding objection raised Trigger: Permission for non-minerals development granted where objection raised on minerals safeguarding grounds	The County Council has made an amendment to correct a typographical error and for consistency when referring to Minerals Safeguarding Areas.

Amended Plans

See tables for details of changes made

Plan 3: Key Diagram

Plan 4: Coal and Hydrocarbons

Plan 5: Existing Airfield Safeguarding Areas

Plan 6: Minerals Safeguarding and Consultation Areas

Policies Map

Policies Map: Subject Area Plan D

Policies Map: Inset 3

Policies Map: New Inset 24

REPORT OF THE CHAIRMAN OF FINANCE AND PROPERTY COMMITTEE**REVISED FINANCIAL REGULATIONS****Purpose of the Report**

1. To approve revisions to the Authority's Financial Regulations.
2. To delegate authority to the Council's monitoring officer to make any consequential changes to the Council's constitution in consultation with the Leader of the Council.

Information and AdviceBackground

3. Financial Regulations are designed to ensure that the Authority's business and financial transactions are:
 - prudent and legal
 - conducted with probity and integrity
 - open and transparent
 - authorised in accordance with the scheme of delegated authority
 - processed in a consistent way
 - properly recorded and accounted for
 - providing Best Value for the Authority.
4. Financial Regulations also contribute to good corporate governance and are designed to protect the legitimate interests of officers and the Authority through the requirement to comply with effective controls and standards for all transactions.
5. Anyone who is involved with any of the following activities must be familiar with Financial Regulations and know the correct procedures to be followed:
 - purchasing goods and services
 - acquiring, managing or disposing of assets
 - receiving income
 - accounting for funds
 - paying out money on behalf of the Authority
 - managing projects.

6. Officers from Legal Services and Finance have been leading on a project to refresh and update the regulations. Key officers from within the Procurement, Internal Audit and Property areas have also been involved.
7. A revised financial regulations document has been developed which aims to:
 - Bring them into line with the Council's current organisational structure.
 - Remove duplication and inconsistency.
 - Ensure that they are easy to understand by the reader.

Consultation

8. The revised Financial Regulations document was circulated to key stakeholders across the Council for feedback. This feedback was reviewed and incorporated, where appropriate, into the final revised Financial Regulations document.

Revised Financial Regulations

9. The revised Financial Regulations are set out in Appendix A.
10. Appendix B sets out the key changes from the previous Financial Regulations.
11. Some consequential changes to the Constitution may be required if the revised Regulations are approved. It is proposed that authority is delegated to the Council's Monitoring Officer, in consultation with the Leader of the Council, to review the Constitution accordingly and make any required amendments.

Other Options Considered

12. Make no changes to the Financial Regulations. This was not felt to be appropriate as it was thought that changes are needed to improve effectiveness.

Reason/s for Recommendation/s

13. It is considered good practice to have the Authority's Financial Regulations revised on a regular basis to ensure that they remain effective and apply to the changing climate under which the Authority operates.

Statutory and Policy Implications

14. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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.

RECOMMENDATION/S

- 1) That the proposed revisions to the County Council's Financial Regulations be approved.
- 2) That the Council's Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution in consultation with the Leader of the Council.

Councillor David Kirkham
Chairman of Finance and Property Committee

For any enquiries about this report please contact:

Keith Palframan
Group Manager – Financial Strategy and Compliance

Constitutional Comments (SLB 02/11/2016)

15. The County Council is the appropriate body to consider the content of this report.

Financial Comments (NS 14/11/2016)

16. No direct financial implications arising from this report.

Background Papers and Published Documents

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

- None

Electoral Division(s) and Member(s) Affected

- All

FINANCIAL REGULATIONS 2016

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1. OVERVIEW

General

- 1.1 These Financial Regulations provide the framework of financial control and standards necessary to achieve the proper administration of the Council's financial affairs and are designed to safeguard the interests of both the Council and its employees. These Regulations cover the Council's main activities, its trading organisations and Pension Funds, and partnerships where the Council acts as the lead authority or where it acts as the accountable body.
- 1.2 If there is a conflict between the Council's Financial Regulations and other specific County Council regulations or codes of procedure, guidance should be sought from the Monitoring Officer as to which shall prevail.
- 1.3 All Nottinghamshire County Council records, whether electronic or paper-based, are subject to the Authority's Information Management Policy which establishes key principles for the management, retention, security and disposal of these records. All financial records must be retained in line with this policy, and in accordance with any relevant legislative requirements.

Role of Chief Finance Officer

- 1.4 The Service Director Finance, Procurement and Improvement is the appointed Chief Finance Officer (also known as the Section 151 Officer) for the Council, and is responsible for the proper administration of the Council's financial affairs and, subject to the Constitution and any resolutions of any Committee or the Full Council, may do all things necessary to discharge this responsibility.
- 1.5 Where the Section 151 Officer considers that there is a likelihood of a significant overall overspending, or a significant overspending on a Committee budget or any unlawful expenditure, a report will be taken to Full Council.
- 1.6 As the Council's financial advisor, the Section 151 Officer will prepare a budget showing the sources of income and proposed expenditure in each financial year. The Section 151 Officer will also keep the Finance and Property Committee informed of the Council's overall financial performance, compared with the approved budget(s). The information required and the frequency of reporting will be determined by the Finance and Property Committee.
- 1.7 The Section 151 Officer, after consulting with the Group Manager for Legal Services where appropriate, may vary, waive or suspend any financial regulation.
- 1.8 Where reference is made in these regulations to specific officers, they may nominate other officers to act on their behalf provided that they keep appropriate up-to-date written records of the nominated officers and the limits to their delegated powers.
- 1.9 The Section 151 Officer shall add financial comments to all reports being submitted to Committee or Full Council regarding the financial consequences of any proposed action. These comments may include the sufficiency of the budget to finance the proposals being

made or set out the action to be taken to make the necessary finance available. These reports must be submitted to the Section 151 Officer or his/her representative, at least 3 working days before the distribution of papers to pre-agenda.

Role of Corporate Directors

- 1.10 Corporate Directors are responsible for ensuring that employees and consultants in their departments are aware of, and comply with these Financial Regulations and that failure to comply may result in disciplinary action.
- 1.11 Corporate Directors must consult the Section 151 Officer on any matter which is liable to affect the finances of the Council before any provision or other commitment is incurred or before reporting to Committee. The Section 151 Officer has the right to be represented at meetings with partnerships or outside bodies where matters of financial significance are to be discussed.
- 1.12 Each Corporate Director and each Committee is responsible for the observance of Financial Regulations and for compliance with the decision making process defined in the Constitution.

2. FINANCIAL PLANNING AND BUDGETARY CONTROL

- 2.1 In February of each year, Full Council will approve an annual revenue budget, capital programme, Treasury Management Strategy and Policy, Medium Term Financial Strategy and Council Tax precept.
- 2.2 It is the responsibility of all Committees, in consultation with the relevant Corporate Director(s), to monitor and control their budgets approved for the year.
- 2.3 Amounts provided under each heading of the approved annual revenue estimates must not be diverted to other purposes except as allowed by Financial Regulations at paragraph 3.4 [Virements].
- 2.4 The inclusion of items in the approved revenue estimates constitutes authority to incur expenditure, subject to the regulations for commissioning and procurement of Goods, Services and Works (section 8), except where the Council, Committees, or Financial Regulations of the Council have placed a restriction on any item. Where items cannot be identified from the approved revenue estimates, authority for expenditure on those items must be obtained from the appropriate decision making body depending on the amount. Expenditure on special items may only be incurred subject to the regulations at paragraph 3.3.
- 2.5 Where expenditure is required on items not included within the approved budget, and which cannot be funded within the regulations for virement (see paragraph 3.4) Corporate Directors must seek advice from the Section 151 Officer and obtain approval from Full Council.

- 2.6 Where external funding is available to cover additional revenue expenditure, Corporate Directors must obtain the approval of;
- The Section 151 Officer for additional amounts **up to £250,000**;
 - Finance and Property Committee for additional expenditure **over £250,000**; and
 - Policy Committee for additional expenditure **over £500,000**.
- 2.7 Capital expenditure is not authorised unless the regulations set out in section 4 have been complied with.
- 2.8 Where a Committee wishes to take a course of action which has financial implications contrary to the advice provided by the Section 151 officer, a report on the issue must be taken to Policy Committee for determination.
- 2.9 The Section 151 Officer must submit a report to the Full Council on each year's final accounts as soon as practicable, and in accordance with the statutory Accounts and Audit Regulations.

3. REVENUE EXPENDITURE

3.1 Preparation of Revenue Budgets

- 3.1.1 Revenue budgets must be prepared in accordance with the process set out annually by the Section 151 Officer, and the resource allocation limits prescribed by the Council.
- 3.1.2 Detailed annual revenue budgets must be prepared in accordance with all instructions on budgeting issued by the Section 151 Officer. It is the responsibility of Corporate Directors to ensure that detailed budget preparation takes place, that the amounts included are realistic, and that there has been correct application of budget conventions and procedures for their service.
- 3.1.3 Where there is uncertainty about the proper approach to be adopted in preparing a budget, guidance should be sought from the Section 151 Officer.
- 3.1.4 The Section 151 Officer will, during the year, seek approval from Finance and Property Committee for allocations from the General Contingency approved by Council.
- 3.1.5 Where external income arises from a set scale of charges, fees etc., the Corporate Director must review the level of fees at least once a year in consultation with the Section 151 Officer, having regard to any relevant statutory provisions for such charges, fees etc. Revised fees must be agreed by the relevant Committee.

3.2 Control of Revenue Budget

- 3.2.1 Corporate Directors and Committees are responsible for controlling expenditure within approved budgets. To assist them with this, virement of budget provision

from one budget head to another may be permitted as described in paragraph 3.4.

- 3.2.2 Where new policies or significant variations to existing policies or practices are proposed, a report must be presented to Full Council or Policy Committee as appropriate providing details of the financial implications of the proposed policies for the current year and two further years.
- 3.2.3 A Corporate Director's authority to incur expenditure, for which provision has been made in the detailed annual revenue budget and which is in accordance with Council policies, is subject to the regulations in section 8 and the conditions in paragraph 3.3 below.

3.3 Special Items

Use of Consultants, Interim Managers and Specialist Contractors

- 3.3.1 **Consultants, Interim Managers and Specialist Contractors are time limited or ad hoc, and do not form part of 'business as usual' operations. Consultancy should be distinguished from outsourcing and staff substitution, which are not regarded as consultancy.**

3.3.1.1 Consultants, interim managers, individuals as contractors or specialist advisors may be engaged provided that there is sufficient budget provision and an annual report is made to the Policy Committee on the use of this discretion. Approval may be by:

- approval from the appropriate Committee (e.g as part of an approved capital programme or project); or
- if the estimated value of the contract is **below £50,000** prior approval must be obtained from the Corporate Director; or
- if the estimated value of the contract is **over £50,000** or is extended beyond £50,000 (and for any subsequent extension) prior approval must be obtained from the Corporate Director for Resources and the Section 151 Officer. Requests for approval must be submitted on the approved 'Request to procure a Consultant Form'.

3.3.1.2 Regardless of value, all consultants must be procured in accordance with the procurement procedures set out in section 8.

3.3.1.3 When engaging individuals as consultants, contractors or specialist advisors, Corporate Directors must determine whether the nature of their employment is 'Employed' or 'Self Employed' as set out in the guidance note IR56 issued by HM Revenue and Customs. The Council has produced guidance and a form to help with this assessment. If a Consultant or Contractor is deemed to be 'Employed' the Corporate

Director must arrange for them to be paid through the Council's payroll. HR advice should be sought.

3.3.1.4 The Corporate Director must ensure that any consultant, interim manager or specialist contractor appointed to manage a contract or procurement process on behalf of the Council be notified of and require compliance with:

- The Council's Financial Regulations; and
- The Code of Conduct for Officers and
- The Protocol for Involvement in Outside Bodies.

3.3.1.5 The use of other types of contingent labour, i.e. agency workers, should be dealt with under the existing provisions of the vacancy control process and in accordance with the contracted managed service arrangements.

3.3.2 **Leases**

3.3.2.1 All leases or credit arrangements **over £6,000** which are not for Land and Buildings must be approved by the Section 151 Officer before they are entered into.

3.3.2.2 For leases of Land and Buildings the regulations at section 17 must be followed.

3.3.2.3 Depending on the circumstances leases or credit arrangements may be classified as Capital Expenditure.

3.3.3 **Grant Aid**

3.3.3.1 Grants and contributions to individuals, the voluntary and community sector are subject to approval by the Grant Aid Sub-Committee in accordance with the Grant Aid Strategy. Also see paragraph 3.3.6 on State Aid.

3.3.3.2 All other grants and contributions are subject to approval by the relevant budget holding Committee either individually or via an approved scheme administered by officers authorised by the relevant Committee.

3.3.4 **Loans and Guarantees to External Bodies and Financial Support in Relation to Properties**

3.3.4.1 All proposals for loans or guarantees or financial support in relation to properties to individuals or outside bodies should be **accompanied by an appropriate risk assessment** and may be authorised as follows:

3.3.4.1.1 loans or guarantees for economic development or regeneration purposes must be approved by the Economic Development Committee;

3.3.4.1.2 all other loans or guarantees or financial support in relation to properties must be approved by the relevant Committee.

Also see paragraph 3.3.6 on State Aid.

3.3.5 Investment in Equities

3.3.5.1 Investment in equity stock may be authorised as follows:

3.3.5.1.1 investments **up to £250,000** for economic development or regeneration purposes must be approved by the Economic Development Committee;

3.3.5.1.2 all other investments must be approved by the Finance & Property Committee

These restrictions do not apply to pension fund investments, which are dealt with by the appropriate Pension Fund Committee.

3.3.6 State Aid

3.3.6.1 State Aid is financial aid or other advantage to a business or organisation from a public body such as a local authority. Grants, loans or guarantees to business may constitute State Aid in some cases. In all circumstances, advice should be sought from Legal Services.

3.3.7 Emergency Expenditure

3.3.7.1 A Corporate Director may incur expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to this action being reported immediately to the Chief Executive and the Section 151 Officer, and to the next relevant Committee. Corporate Directors must keep a separate record of the essential expenditure incurred.

3.4 Virement

3.4.1 The transfer of budget provision from one budget holder to another is approved as follows:

3.4.1.1 **up to £50,000** (£100,000 within the Highways Maintenance Budget) by the Section 151 Officer

3.4.1.2 **up to £500,000** by the relevant Committee, or for cross Committee virements following consultation with the relevant Chairmen of Committees, by the most appropriate Committee

3.4.1.3 **over £500,000** by the Finance and Property Committee.

3.4.1.4 **Over £1 million** by the Policy Committee.

3.5 **Monitoring of the Revenue Budget**

- 3.5.1 Corporate Directors must ensure that budgets are monitored via the Council's Business Management System. Budget monitoring reports should be presented at least quarterly to each relevant Committee, with a report on the Council's overall financial position presented to Finance and Property Committee. Explanations of significant variations and proposals for avoiding any continuing budget problems must be explained to the relevant Committee.
- 3.5.2 All underspends will transfer to County Fund Balances unless specific approval is obtained for the carry forward of budget to the following year from Finance & Property Committee, on presentation of a business case.
- 3.5.3 The annual surpluses and deficits of trading organisations will be carried forward in an 'Earmarked Reserve'. The level of these reserves will be kept under review by the Section 151 Officer and reported annually to Finance and Property Committee and Full Council.

4. **CAPITAL EXPENDITURE AND OTHER MAJOR PROJECTS**

4.1 **Inclusion of schemes in the Capital Programme**

- 4.1.1 The Council has a Capital Programme, considered annually through an Annual Review Process. This programme is approved by Full Council and includes the capital schemes for the forthcoming financial year and the three years following.
- 4.1.2 The processes by which a capital scheme can be added to the Capital Programme are shown in the attached [decision tree](#). The content of bids must be as set out in paragraph 4.2 below.
- 4.1.3 All proposals for capital expenditure should be considered initially by the Corporate Asset Management Group (CAMG) who will advise on the relative priority of future capital schemes, in accordance with the agreed prioritisation criteria within the Capital Strategy. Approval must then be obtained as follows:
 - 4.1.3.1 for schemes being considered through the Annual Review process, CAMG will make recommendations to the Chairman of Finance & Property Committee and, in turn consult with the Corporate Leadership Team (CLT). A report will then be taken to Finance and Property Committee for approval in principal and inclusion within the annual budget for approval by Full Council (see decision tree route a);
 - 4.1.3.2 for schemes arising during the budget year on an ad-hoc basis, CAMG will consider and advise the Chairman of Finance & Property Committee and, in turn, will seek approval from the relevant approving body – see paragraph 4.1.4 (see decision tree routes b and c).

- 4.1.4 Where proposals are made for additional schemes during the year, or for cost variations to existing schemes, decisions can be taken as follows:
- 4.1.4.1 schemes, or variation increases, **up to £250,000** by the Section 151 Officer;
 - 4.1.4.2 schemes, or variation increases, **over £250,000 and up to £2 million** by Finance & Property Committee;
 - 4.1.4.3 schemes, or variation increases, **over £2 million** by Policy Committee.
- 4.1.5 For all schemes with a capital cost **OVER £7.5 MILLION** no detailed design work can be undertaken until a report on alternative design proposals has been approved by Policy Committee.
- 4.1.6 After approvals have been obtained under either paragraphs 4.1.3 or 4.1.4 above, Latest Estimated Cost (LEC) reports should be prepared and presented (see paragraph 4.4) before tenders are sought.
- 4.1.7 Where major projects are being procured through a 'Private Finance Initiative' (PFI), 'Public Private Partnership' (PPP) or equivalent arrangement, an options appraisal report should be prepared and approval must be obtained from Full Council before tenders are invited.

4.2 Content of Bids for Capital Expenditure

- 4.2.1 All proposed schemes, or programmes of work, must include an options appraisal which has been carried out before detailed design work begins, setting out the full lifecycle costs of the investment and the impact on future revenue budgets. All bids for capital expenditure must be prepared by Corporate Directors in the form laid down by the Section 151 Officer.
- 4.2.2 The advice of the appropriate technical officer(s) must always be provided before a scheme is included in any capital programme, e.g. Service Director for ICT for computer technology, Service Director for Property for building, construction and associated works.
- 4.2.3 When scheduling costs for schemes construction costs should not normally appear in the first year, unless the following criteria have been considered and the risks evaluated:
- 4.2.3.1 purchase, lease or lease option of the land or property has been completed and land assembly costs and issues have been identified. In the case of projects where the Council will not be the landowner or where powers of compulsory purchase are being exercised, a right of entry must have been obtained;
 - 4.2.3.2 outline planning permission must have been obtained, where required;
 - 4.2.3.3 the sources of funding, including any grants or contributions from outside organisations, have been secured - except for land reclamation

projects where grant notification is not normally received until the year of the project;

- 4.2.3.4 the service department has prepared a detailed business case for the project which has been agreed with the relevant technical officer who will carry out the design;
 - 4.2.3.5 there has been a proper assessment of the time-scale, the likely costs and governance arrangements for the project;
 - 4.2.3.6 where existing property is affected by the proposed development, the service department has agreed proposals for dealing with staff or clients who might be displaced as a result of the construction (temporarily or permanently); and
 - 4.2.3.7 relevant sustainability issues have been considered and impact assessments have been undertaken in accordance with any Council policies.
- 4.2.4 All costs should be at estimated out-turn prices, unless otherwise determined by the Section 151 Officer.
- 4.2.5 The anticipated revenue costs of all schemes in the capital programme must be assessed each year. The staffing, lifecycle maintenance and other running costs must be included in the revenue budget. The financing costs for expenditure funded by borrowing or leasing will be calculated by the Section 151 Officer and included within the overall revenue budget.

4.3 Feasibility Studies

- 4.3.1 The appropriate project manager/ technical officer can carry out feasibility work on any scheme not in the approved capital programme subject to:
- 4.3.1.1 the relevant Committee agreeing to the cost being met from its revenue budget for the year; and
 - 4.3.1.2 prior approval from the Section 151 Officer has been obtained if the estimated cost of the feasibility study is **over £25,000**.
- 4.3.2 Detailed design work must not take place on schemes which are not included within the approved capital programme unless written approval has been obtained from the [Chief Executive and the] Section 151 Officer. This does not apply to schemes over £7.5 million that are subject to separate approval by Policy Committee (see paragraph 4.1.5).
- 4.3.3 The appropriate project manager/technical officer can carry out preparatory work on any scheme included in the approved capital programme. The costs of this work must be charged to that scheme. If for any reason the scheme does not go ahead, then the costs of preparatory work undertaken must be charged to the revenue budget of the relevant Committee, which will need to make available sufficient budget cover for this. This means that the project manager/ technical officer should not carry out preparatory work unless an undertaking has been

secured for the funding of any abortive costs from the service department and the appropriate budget identified.

4.4 **Project Management and reports on "Latest Estimated Costs" of Proposed Schemes**

4.4.1 All projects should be managed in accordance with the principles of good project governance and management. Projects **over £250,000** should be governed, managed and delivered using best practice project management techniques e.g. PRINCE2. Where significant risks have been identified, they should be included in the Corporate Risk Register and addressed in accordance with the Council's Risk Management strategy.

4.4.2 Corporate Directors must take a report to the relevant Committee setting out the latest estimated costs of all proposed capital schemes where the capital cost is **between £250,000 and £1 million** and to Finance & Property Committee for schemes where the capital cost is **over £1 million**. The report must be made after detailed design work has been completed but before tenders are invited and should contain:

4.4.2.1 Capital costs analysed into:

4.4.2.1.1 land acquisition costs and associated liabilities;

4.4.2.1.2 construction costs;

4.4.2.1.3 acquisition of plant, equipment and furniture;

4.4.2.1.4 professional fees (including legal fees) and project management costs;

4.4.2.1.5 any other relevant costs.

4.4.2.2 Revenue costs identified and analysed into:

4.4.2.2.1 staffing costs;

4.4.2.2.2 energy costs;

4.4.2.2.3 other running costs;

4.4.2.2.4 financing costs;

4.4.2.2.5 lifecycle maintenance costs.

In addition to total costs, their phasing over each financial year should be shown. If the costs exceed the existing capital programme provision for that scheme, the report must contain a statement on how these extra costs can be contained within the approved total capital programme or, if further capital funds are required, approval to increase the capital programme (the capital variation) must be obtained as set out in paragraph 4.1 above.

4.5 **Budgetary approval prior to Contract Award**

- 4.5.1 Where the preferred tender exceeds the LEC or Capital Programme estimate, Corporate Directors must submit a revised LEC report and obtain all necessary approvals for the additional expenditure needed before accepting the tender.
- 4.5.2 The award of contracts must comply with the procedures for the procurement of Goods, Services and Works set out in section 8 and the guidance must be sought from the Procurement Centre and Legal Service.

4.6 **Final Accounts**

- 4.6.1 Corporate Directors must report the final accounts for capital schemes over £1 million to the relevant Committee.
- 4.6.2 The Section 151 Officer shall, where considered necessary, examine any scheme final accounts and is entitled to make such enquiries and receive such information and explanations as may be required to confirm the completeness and accuracy of the accounts.

4.7 **Post-Project Evaluations**

- 4.7.1 Corporate Directors have the responsibility to ensure the completion of a post project review for all their projects.
- 4.7.2 The post project review should normally address the following matters:
 - 4.7.2.1 out-turn costs vs original cost estimates and the reasons for any cost increases;
 - 4.7.2.2 breakdown of the professional fees incurred;
 - 4.7.2.3 actual timetable achieved vs original planned timetable and the reasons for slippage and delays;
 - 4.7.2.4 overall project outcomes and quality of project management;
 - 4.7.2.5 achievement of service objectives and benefits;
 - 4.7.2.6 lessons to be learned for future projects.
- 4.7.3 For completed projects, post-project reviews must be evaluated by the Corporate Asset Management Group (CAMG) and an annual report submitted by the Chairman of CAMG to the Finance and Property Committee as follows:
 - 4.7.3.1 projects **up to £5 million** - for a sample of projects selected by CAMG;
 - 4.7.3.2 projects **over £5 million** - all projects.

4.8 Capital Financing

- 4.8.1 The Section 151 Officer will make arrangements for the financing of capital expenditure in accordance with the CIPFA 'Prudential Code for Capital Finance' and the annual budget report approved by Full Council.
- 4.8.2 Corporate Directors must notify the Section 151 Officer prior to committing to leases or hire purchase arrangements for vehicles, equipment or land/buildings where the value will exceed £6,000 (see paragraph 3.3.2 and section 17).

5. ACCOUNTING SYSTEMS

- 5.1 All staff must comply with accounting instructions issued from time to time by the Section 151 Officer. Any new accounting systems and changes to such systems must be approved by the Section 151 Officer.
- 5.2 The Council adheres to the CIPFA Accounting Codes of Practice on Local Authority Accounting and the CIPFA Service Expenditure Reporting Code of Practice and the supporting guidance statements.
- 5.3 All interim or final claims in respect of Government grant and reimbursements or contributions from outside bodies, other than where an invoice has been raised, must be signed by the Section 151 Officer.
- 5.4 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the proper transfer of all financial records and assets, e.g. stocks, stores, imprest accounts, inventories, valuables, cash, etc., when responsibility is to transfer from one officer to another.
- 5.5 The accounting control systems of the Council must include:
 - 5.5.1 measures to promptly and accurately record all financial transactions of the Council;
 - 5.5.2 measures to prevent and detect inaccuracies and fraud, and reconstitute any lost records promptly and at reasonable cost;
 - 5.5.3 identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers.
- 5.6 At the end of each financial year, Corporate Directors must notify the Section 151 Officer of all outstanding expenditure relating to the previous financial year in such detail and by such date as may be required by the Section 151 Officer so that accounts can be prepared to meet statutory reporting requirements (known as the accruals process).

6. ASSETS

Assets include land and buildings (see section 17) stocks and stores (see paragraph 6.1 below) and cash, equipment and furniture (see paragraph 6.2 below).

6.1 Stocks, Stores and Inventories

- 6.1.1 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the safe custody and physical control of the stocks and stores in their Department. They must arrange for periodic stocktaking by an independent person to ensure that all items are checked at least once per annum or at such other frequency as the Section 151 Officer may agree. Test checks should be carried out from time to time.
- 6.1.2 Inventories of the Department's assets must be prepared and kept up-to-date by each Corporate Director. Records and the method and frequency of inventory checks will be determined by the Section 151 Officer.
- 6.1.3 Corporate Directors must notify the Section 151 Officer each year of the value of stock held by their Department as at 31 March and must supply such other information relating to stocks and stores as may be required by the Section 151 Officer.
- 6.1.4 Discrepancies revealed at a stock taking may be adjusted by the Corporate Director provided that it is **under £1,000 in aggregate**. Discrepancies **over £1,000** must be reported to the Section 151 Officer who may authorise the necessary adjustment or refer any item to Internal Audit.
- 6.1.5 Departments should not hold excessive stocks and Corporate Directors must ensure that a periodic review of stock turnover and stock levels of all items is undertaken and that action is taken to reduce/dispose of excessive or obsolete stocks.
- 6.1.6 Corporate Directors must satisfy themselves that the stocks, stores or materials cannot be re-used elsewhere in the Council. Any surplus stocks, stores or materials must be disposed of in accordance with the procedures below set out in paragraph 6.4.

6.2 Cash, Equipment and Furniture

- 6.2.1 Corporate Directors are responsible for maintaining appropriate security for all cash, furniture and equipment etc. under their control. The Council's property must not be removed from its usual location or used for unofficial purposes except with the permission of the relevant Group Manager.
- 6.2.2 Money held at premises must be placed in a cash box which must be kept locked and put in a secure place.
- 6.2.3 Safes must be kept locked and the key removed. Keys to safes, strong rooms and similar locked areas are to be stored securely at all times. The loss of such keys must be reported to the Section 151 Officer immediately. Master keys and spare safe keys should be stored securely at a separate location.
- 6.2.4 Where several officers use the same safe, each officer must use a separate lockable cash box for the monies they are responsible for.

6.3 Protection of Private Property

- 6.3.1 Where an officer assumes responsibility for items belonging to a private person, s/he must ensure that a formal inventory is prepared promptly, and where possible, in the presence of two officers who must sign and date the inventory to certify its accuracy. The property must be held securely.
- 6.3.2 All valuables such as jewellery, watches and other small articles of a similar nature and financial documents or property documents of title must be kept in a safe.
- 6.3.3 All reasonable steps must be taken to return the private property to its rightful owner. Where a significant cost has been incurred by the Council in providing safe custody, the cost should be recovered before the property is returned and an official receipt provided for monies received.

6.4 Disposal of Assets (including Stocks, Stores or Materials)

- 6.4.1 Where land or buildings are concerned, the Council's disposal policy must be complied with (see section 17).
- 6.4.2 Where ICT equipment is concerned, disposal must comply with the policies and procedures set by the Service Director – ICT.
- 6.4.3 Before disposing of any asset, officers should consult with the Section 151 Officer and must satisfy themselves that the asset has not been leased.
- 6.4.4 Having satisfied themselves that the assets (including stocks, stores or materials) cannot be economically re-used elsewhere in the Council, surplus assets must be disposed of in accordance with the procedures below:
 - 6.4.4.1 items estimated to realise **less than £500** – at the Corporate Directors' discretion;
 - 6.4.4.2 items estimated to realise **between £500 and £10,000** - competitive quotations must be sought (and copies retained on file);
 - 6.4.4.3 items estimated to realise **more than £10,000** advice must be sought from the Section 151 Officer on the appropriate method of disposal to ensure that the most advantageous price is obtained. Where tenders are used, an appropriate number must be sought (and copies retained on file)
- 6.4.5 Assets which have been sold may be released to the purchaser once cleared funds have been received by the Council.

7. SALARIES, WAGES AND PENSIONS

- 7.1 The payment of salaries, wages, pensions or other benefits will be made only by the Service Director – Human Resources and Customer Services. Each Corporate Director

must notify the Service Director, as soon as possible, and in the form prescribed, of all matters affecting an officer's pay.

- 7.2 All time-records or other pay input documents must be in a form prescribed or approved by the Service Director – Human Resources and Customer Services. Officers authorised to approve pay input documents must comply with the relevant employment procedure rules and any directions issued by the Service Director – Human Resources and Customer Services.
- 7.3 Overtime claims must be submitted promptly. Where these claims are over three months in arrears they will only be paid with the approval of the Service Director – Human Resources and Customer Services.
- 7.4 No employee should be paid by the Council unless they have a valid contract of service with the Council.
- 7.5 For income tax purposes, where consultants, contractors, or temporary staff meet the test of 'Employed' as set out in paragraph 3.3.1.3 they shall be treated as employees and paid through payroll.

8. COMMISSIONING AND PROCUREMENT OF GOODS, SERVICES AND WORKS

8.1 General

- 8.1.1 All procurement documentation, including contracts, must be in a form approved by the Group Manager for Legal Services.
- 8.1.2 All procurement must be performed in accordance with the all applicable laws, the rules set out here and the guidance provided by the Procurement Centre in consultation with Legal Services. In particular all procurement activity should follow the principles set out in the current Procurement Strategy. The laws, rules and guidance are intended to ensure the following objectives are met:
 - 8.1.2.1 **Probity and Openness:** Honesty, integrity and openness in all dealings (subject to reasonable requirements of confidentiality) and the avoidance of corruption;
 - 8.1.2.2 **Best Value:** The optimum outcome for the Council and the residents of Nottinghamshire including the consideration of best value with regard to social, economic and environmental factors.
 - 8.1.2.3 **Equal Treatment of Suppliers:** Fair and equitable treatment for all potential suppliers;
 - 8.1.2.4 **Officer Protection:** Avoidance of situations which may lead to accusations of officer impropriety.
- 8.1.3 All procurement undertaken by the Council with a contract value greater than the relevant EU threshold is subject to both National and European Union (EU) Rules.

- 8.1.4 The Procurement Centre **must** be involved in all procurement over £10,000. Budget holders must therefore contact the Procurement Centre before commencing a new procurement exercise where it exceeds £10,000.
- 8.1.5 The Procurement Centre must seek advice from Legal Services at the commencement of any procurement over the EU thresholds and must be involved in the entire process for all complex or non-standard procurement projects or where detailed advice is required on procurement law.
- 8.1.6 If contracts arranged through the Procurement Centre already exist then these must be used. If not, Government or other public body frameworks must be used unless they do not meet service delivery needs.
- 8.1.7 Where a Council department provides goods, services or works of a particular kind that department must be given the opportunity to provide the required goods, services or works. Where the goods, services or works are obtained from in-house sources, there is no requirement to obtain quotations and tenders. Discussion with the Procurement Centre and the service area and prior approval from the Section 151 Officer must be obtained where external suppliers are to be used to obtain goods, services or works that are available from in-house providers. The reasons for not using the in-house provider will be retained on file for review and audit purposes by the relevant Department.
- 8.1.8 All necessary Committee and budgetary approvals must already have been obtained before commencing with your procurement.
- 8.1.9 The current thresholds and how to conduct your procurement is set out in the table below:

Contracts for Supplies and Services

Estimated Total Contract Value	Minimum Procurement Requirements	Advertising	Contract Signatory
Up to £5,000	Written quotations to be sought if deemed appropriate by the Corporate Director or his/her nominee		Budget Holder
£5,001 to £10,000	Written quotations must be sought from more than one supplier		Budget Holder
£10,001 to £25,000	Three written quotations must be sought	Source Notts	Budget Holder
£25,001 to £50,000	Three tenders must be	Source Notts and	Budget Holder

	invited	Contracts Finder.	
£50,001 to EU Threshold* for Supplies and Services (£164,176 as at January 2016)	Five tenders must be invited	Source Notts and Contracts Finder	Budget Holder and Officer of equal or senior status to the budget holder
Above EU Threshold for Supplies and Services	EU procurement rules must be complied with	Source Notts and OJEU and Contracts Finder	Budget Holder and Officer of equal or senior status to the budget holder
Over £1 Million	EU procurement rules must be complied with	Source Notts and OJEU and Contracts Finder	Must be executed as a deed under seal

Contracts for Works			
Estimated Total Contract Value	Minimum Procurement Requirements	Advertising	Contract Signatory
Up to £10,000	Written quotations must be sought from more than one supplier		Must be executed as a Deed under Seal
£10,001 to £25,000	Three written quotations must be sought	Source Notts	Must be executed as a Deed under Seal
£25,001 to £250,000	Three tenders must be invited	Source Notts and Contracts Finder	Must be executed as a Deed under Seal
£250,001 to EU Threshold for Works (£4,104,394 as at January 2016)	Five tenders must be invited	Source Notts and Contracts Finder	Must be executed as a Deed under Seal
Above EU Threshold for Works	EU procurement rules must be complied with	Source Notts and OJEU and	Must be executed as a

		Contracts Finder	Deed under Seal
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Supplementary Notes

Quotations and Tenders:

Details of all quotations and tenders sought and received, including supplier details and pricing information, must be kept on the procurement file by the relevant Department for review and audit purposes. Whenever possible and appropriate SME's and local suppliers should be encouraged to submit a quotation or tender.

Thresholds:

The current thresholds are set out in the table above; however, valuation of contracts is not always straightforward. Splitting of contracts in order to avoid the EU Rules is not allowed. Advice and guidance should be sought from the Procurement Centre.

Allowed Exceptions:

Where the contract value is **less than the EU threshold** there are limited circumstances where obtaining quotations / tenders is not required:

- a. The work to be executed or the goods or materials to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery or upgrades to existing software packages.
- b. Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency
- c. The Corporate Director, in consultation with the Group Manager for Procurement, decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for the Council can be achieved by not tendering

In all cases where the value is over £5,000 but below the EU thresholds prior approval via a Financial Regulations Waiver Request Form (available on the intranet) must be obtained for all exceptions to these Financial Regulations.

Advertising:

All Source Notts adverts, Contracts Finder and OJEU notices must be routed via the

Procurement Centre for publication.
Corporate Contracts: Where there is no single budget holder then the Budget Holder signatory role may be undertaken by the Group Manager for Procurement.
Building Works Property Services should be contacted for any contracts that impact upon the Authority's property portfolio.

8.2 Joint Procurement

- 8.2.1 The Council may procure goods, services and works through collaborative procurement exercises or joint commissioning in partnership with other public sector organisations. The organisations involved in the exercise must decide which of them is to act as the lead and the procurement procedures of the lead body must be followed.
- 8.2.2 Where the Council acts as lead authority it must carefully assess the risks involved, ensure that it does not take on liabilities of other public bodies by acting as lead and must follow any procedural safeguards as advised by the Group Manager for Legal Services and financial arrangements determined by the Section 151 Officer to protect the Council's position.

8.3 Tender Principles

- 8.3.1 Unless expressly approved in writing by the Group Manager for Procurement, all procurement must be undertaken using the Council's electronic system and procedures determined by the Section 151 Officer in consultation with the Group Manager for Legal Services.
- 8.3.2 If the specification for any tender is developed by or in conjunction with any consultant or supplier, then that consultant or supplier shall be excluded from a future tendering exercise for those services, supplies or works for as long as that specification is in use.
- 8.3.3 Councillors and Officers who have a financial or personal interest in a contract or other procurement decision must ensure they comply with the appropriate codes of conduct and must not be supplied with or given access to any tender documents, contracts or other relevant related information without the authority of the Monitoring Officer.
- 8.3.4 Where a contract contains onerous obligations for the Council, such as an indemnity or guarantee, advice must be sought from the Group Manager for Legal Services.
- 8.3.5 Where ICT equipment, software and services to be purchased or for upgrades to software the Service Director, ICT should also be consulted.

- 8.3.6 The Council's information management policies and procedures should be followed in respect of retention of records and disclosure of information relating to contracts and tenders.
- 8.3.7 The Corporate Director must ensure that where any officer who is not an employee of the Council is responsible for the letting, administration and management of a contract on the Council's behalf, they must:
- retain all relevant documentation on the Council's approved systems;
 - retain all relevant original records (see paragraph 8.3.5) and provide it to the Corporate Director or Section 151 Officer on request and in any event prior to the end of their contract with the Council;
 - provide all the appropriate drawings, including the final 'as built' drawings, together with all project and contract documentation to the Corporate Director and in any event within three months of completion of the works.
- 8.3.8 Subject to any statutory requirements relating to disclosure, the names of, prices contained in or other confidential information from any tender must not be divulged to other bidders, or individuals not properly connected with the tender process.

8.4 Invitation to Tender

- 8.4.1 Every invitation to tender must state that a tender will only be considered if it is submitted in accordance with the instructions to tenderers. The invitation to tender must also state that tenders which do not comply fully may be rejected.
- 8.4.2 All invitations to quote/tender must specify that the Council is not bound to accept the lowest or any quotation or tender.
- 8.4.3 Tenders may be evaluated on the basis of price, or a mixture of price and quality criteria. The basis on which the tender will be evaluated must be determined before tenders are invited and included as part of the invitation to tender information.
- 8.4.4 Where prior advertisement has not specified the award criteria, the invitation to tender must state the award criteria together with the weighting for each of the chosen criteria.
- 8.4.5 The invitation to tender must include the Council's contract terms for that contract.
- 8.4.6 The invitation to tender for contracts above EU thresholds must contain information for tenderers about the way the standstill period will be applied (see paragraph 8.8.2).

- 8.4.7 Subject to prior discussion with the Procurement Centre and Legal Services, approval shall be sought from the Section 151 Officer regarding whether:
- 8.4.7.1 provision should be made for liquidated and/or ascertained damages in the contract, where the contract is for the supply of goods or materials by a particular date or series of dates and if required, the amount of such damages shall be determined by the appropriate technical officer in consultation with the Group Manager for Legal Services
 - 8.4.7.2 security in the form of a bond and/or parent company guarantee is required for the due performance of a contract, where:
 - The total value of the contract exceeds £1 million;
 - or**
 - The total value of the contract is less than £1 million but the Corporate Director, appropriate technical officer or the Section 151 Officer considers that Council is at particular risk.
 - 8.4.7.3 in the case of construction and maintenance contracts provision should be made for a payment retention (normally 5%) to be withheld for an appropriate period to allow for the rectification of faults and defects.
- 8.4.8 The release of any security must be authorised by the appropriate technical officer in consultation with the Section 151 Officer.
- 8.4.9 If a performance bond or other security is required the nature and amount of the security to be given must be set out in the specification.

8.5 Receipt and Opening of Tenders

- 8.5.1 Receipt and opening of tenders must be undertaken using the Council's approved electronic system.
- 8.5.2 Where the use of a paper-based tender process has been authorised by the Group Manager for Procurement in accordance with paragraph 8.3.1 above the following procedures must be followed:
- 8.5.2.1 tenders shall be returned to the Group Manager for Procurement;
 - 8.5.2.2 until the time specified for opening tenders, tenders must remain unopened and be held securely.
 - 8.5.2.3 the opening and recording of tenders must be performed by a representative of the Procurement Centre who shall record the tenders in the official tender book in the presence of a representative from the client department.
 - 8.5.2.4 the official tender book shall include the following:
 - Description of the contract being let;

- Date and time set for tender receipt;
- Date and time tenders were opened;
- The officers present at the opening;
- Details of the following for each tender:
 - Tenderers name;
 - Date received;
 - The tendered value (where applicable); and
 - Details of any noteworthy events (e.g. Tender excluded with reasons).

8.5.2.5 Any issues on the opening and recording of tenders, including any tenders received late, shall be referred to Legal Services.

8.6 Clarification and Negotiation following tender submission

8.6.1 Where examination of tenders reveals errors which would affect the tender figure in an otherwise successful tender, the tenderer must be notified of such errors and be given the opportunity to clarify and confirm or withdraw their tender. Under no circumstances must the clarification process be used to attempt to seek an adjustment of prices or other changes to the specification tendered.

8.6.2 EU Directives only allow for negotiations under specific circumstances where the procurement is above EU thresholds, they are:

- competitive procedure with negotiation, no negotiation is permitted after receipt of final tenders.
- or the Innovation Partnership Procedure all tenders except final tenders can be negotiated
- Competitive Dialogue allows limited negotiation with the preferred bidder to confirm financial commitments or other terms of the tender. This negotiation is permitted provided that it does not have the effect of materially modifying essential aspects of the tender.

In these circumstances advice must be sought from the Group Manager for Legal Services.

8.6.3 For procurement below EU thresholds, guidance must be sought from the Procurement Centre about the circumstances in which negotiations are permissible and the procedure for the relevant contract procurement must be followed.

8.7 Tender Evaluation

8.7.1 All tenders must be evaluated in accordance with the published evaluation criteria set out in the contract notice or the invitation to tender.

8.8 Contract Award

- 8.8.1 A tender may be accepted as the winning tender by the appropriate Corporate Director using a form of acceptance letter approved by the Group Manager for Legal Services and the Group Manager for Procurement.
- 8.8.2 For contracts above the EU thresholds, there must be a minimum standstill period of at least 10 clear calendar days between communicating the award decision to all tenderers and candidates, and contract conclusion. A 10 day standstill period is also required before awarding a contract after a stand-alone e-auction is closed or at the end of an e-auction run within a Dynamic Purchasing System.
- 8.8.3 All tenderers and candidates must be notified of the result of the procurement as soon as possible after the award decision.

The notification must contain:

- The award criteria;
- The reasons for the decision
- The tenderer's score;
- The winning tenderer's score
- The name of the winning tenderer
- A statement outlining the standstill period before the Council will enter into the contract or conclude the framework agreement

Further guidance is available from the Procurement Centre.

- 8.8.4 Successful tenderers must be informed that no work may start on site or goods, services or materials ordered until either
- An official order has been issued;
- or**
- A formal contract (and, where applicable, a completed bond) has been completed by all parties.
- 8.8.5 Within 48 days of awarding an EU contract, a Contract Award Notice, in the prescribed form, must be sent to the Official Journal of the European Union (OJEU).

8.9 Contract Administration

- 8.9.1 Corporate Directors are responsible for ensuring that contracts are managed and monitored by suitably experienced officers with knowledge of the relevant contract terms and conditions.
- 8.9.2 All contracts must be performance managed by the commissioning department in accordance with best practice, the Strategic Management Framework and any

applicable performance management requirements. Any significant contract management concerns or issues should be reported to the Section 151 Officer and the Group Manager responsible for Performance.

- 8.9.3 Contractors may only be paid for matters which fall within the terms of the contract. Any claims for payment falling outside the terms of the contract must be referred to the Group Manager for Legal Services for consideration of the Council's legal liability as soon as possible. Where the Group Manager for Legal Services considers it necessary, these claims must also be referred to the Section 151 Officer for consideration before any settlement is reached.
- 8.9.4 Valid claims for loss and expense arising from delays and disruption must be notified to the Group Manager for Legal Services where they are likely to exceed £100,000 or for any amount where there is a possibility of legal proceedings, including arbitration or alternative dispute resolution procedures provided by the contract.
- 8.9.5 Where there is provision in the contract for liquidated and/or ascertained damages, these rights must be enforced where contracts are not completed within the original contract period (plus any extensions of time granted in accordance with the contract) unless otherwise agreed in writing by the Section 151 Officer and the Group Manager for Legal Services.

8.10 Procurement and Ordering

- 8.10.1 Purchase Orders must be in the form approved by the Group Manager for Procurement and Group Manager for Legal Services.
- 8.10.2 Corporate Directors are responsible for the control of all official orders issued from their Department.
- 8.10.3 Except in cases of emergency, no work shall be carried out or goods, materials or services ordered or a consultant appointed unless there is adequate budget available.
- 8.10.4 For all goods, services or works an official purchase order should be raised before they are ordered.
- 8.10.5 All orders should be raised via the Council's Business Management System (BMS) unless the use of Purchase Card, Petty Cash or Legacy system has been approved. Within BMS the limit for system approvals is as follows:

Estimated Value	Level of Approval Required
Under £200	No additional approval required
£200 to £100,000	Senior Practitioner or Team Manager
£200 to £200,000	Group Manager

£200 to £2 Million	Service Director
Unlimited	Corporate Director / Chief Executive

8.10.6 Purchase Card purchases must only be made by authorised officers. Purchase Card application forms are available on the intranet and must be approved by the Group Manager for Procurement.

8.10.7 Petty cash (Imprest Accounts) purchases must only be made by authorised officers and in accordance with the requirements set out under section 10.4.

9. PAYMENT FOR GOODS, SERVICES AND WORKS

9.1 Payment for goods, services and works relating to approved orders in BMS do not need further approval. See separate guidance on raising, approving and making variations to purchase orders in BMS on the Council's BMS webpages.

9.2 For BMS non-purchase order related payments before authorising an official purchase invoice, or any process that may lead to a payment, officers must:

9.2.1 ensure they are authorised to process the payment (see BMS limits for system approvals set out in paragraph 8.10.5);

9.2.2 satisfy themselves that the goods/services/works are a proper charge on the funds under their control;

9.2.3 satisfy themselves that the goods/services/works have been received, conform in all respects with the official order and are acceptable in every way;

9.2.4 ensure that amounts are correct and include all discounts due;

9.3 Where payment is made by Purchase Card, charge card or credit card, it may not be possible to comply with paragraph 9.2.3 above but officers must ensure compliance with paragraphs 9.2.1, 9.2.2, and 9.2.4 and with the guidance for the use of Purchase Cards (see separate guidance on use of Purchase Cards on the Council's BMS webpages).

9.4 The Council's normal method of payment of monies owed is by BACS, cheque or Purchase Card.

9.5 Direct Debits must not be set up on any of the Council's bank accounts, including imprest accounts, without the prior written approval of the Section 151 Officer.

9.6 Direct Debits must be cancelled promptly when the related goods or services are no longer being received. All Direct Debits must be reviewed annually to confirm they are still appropriate.

9.7 An officer initiating payment should ensure that the account has not previously been passed for payment and that it is coded to the correct accountancy code for which prior approval has been obtained from the budget holder.

- 9.8 The duties of ordering, receiving goods and certifying invoices for payment must not be performed by the same officer without prior agreement of the Section 151 Officer. Where alternative electronic procurement systems to BMS have been approved, these systems may allow single officers to do this, provided that they have suitable security protocols to the satisfaction of the Section 151 Officer.
- 9.9 VAT invoices must not be amended. A credit note or replacement invoice must be obtained from the supplier.
- 9.10 Invoices must not be made out by officers of the Council except in the case of recurring or other items, e.g. rent where no invoice is normally receivable, when a payment request form may be used. An officer must not add any additional item or items to an invoice received by the Council.
- 9.11 **Contract Payments**
- 9.11.1 Where contracts provide for payment to be made by instalments, the appropriate Corporate Director must ensure that a record of the payments made is maintained on the project file. The record(s) must show the state of account on each contract between the Council and the contractor together with any other payments and the related professional fees.
- 9.11.2 Payments to contractors in instalments must be made only on provision of a certificate showing the total amount of contract, the value of the work executed to date, retention monies, the amount paid to date and the amount now certified. These certificates should be issued by the appropriate Corporate Director or by their authorised nominee.
- 9.11.3 The approved sum payable to the contractor is the tender sum as accepted under the procedure at paragraph 8.8 plus such additional sums due under the contract as have also been properly incurred and approved by the relevant budget holder.
- 9.11.4 As soon as it becomes apparent that the approved sum will be exceeded, a report must be presented to the Section 151 Officer, who may also require a report to be submitted to the Finance and Property Committee.
- 9.11.5 Where claims for payment are submitted for amounts which exceed the approved sum the Section 151 Officer only has authority to pay such claims where the amounts can be justified as being in the best interest of the Council, having regard to the procedures in paragraph 8.5.
- 9.11.6 In respect of variable price contracts, such as PFI or PPP contracts which have complex variation procedures, the appropriate Corporate Director must periodically review the cost and report to the Section 151 Officer if the approved budget over the life of the contract is likely to be exceeded. These reports must be made whenever significant increases are identified up to completion of the contract. The Section 151 Officer may decide that a report must also be taken to the relevant Committee and/or Finance and Property Committee.

10. INCOME, BANKING AND IMPREST ACCOUNTS (Known as Petty Cash)

10.1 Income and Receipts

- 10.1.1 The Council has nominated the Section 151 Officer as its anti-money-laundering officer. The Council's anti-money-laundering policy and guidance is available on the intranet. Corporate Directors must ensure compliance with this policy.
- 10.1.2 Cash payments of more than £1,000 must not be accepted for a single transaction without the written approval of the Section 151 Officer.
- 10.1.3 The following requirements apply to all income received:
 - 10.1.3.1 all income must be recorded and accounted for immediately it is received. Where appropriate, an official receipt must be provided;
 - 10.1.3.2 the transfer of money from one employee to another must be properly recorded and acknowledged;
 - 10.1.3.3 income must be banked intact and not used to finance expenditure;
 - 10.1.3.4 encashment of personal cheques is forbidden;
 - 10.1.3.5 income must be held securely until suitable arrangements for banking it are made – see paragraphs 6.2 and 10.1.7.
- 10.1.4 All official receipt books relating to the collection of income are ordered, and issued by County Supplies. The officer the receipt book is issued to must acknowledge receipt in writing.
- 10.1.5 Where income is received by cheque, it must be cross-referenced on the bank paying-in slip to the drawer, either by receipt number or name. In addition, the reverse of each cheque must show the department, office or establishment that paid the cheque into the bank.
- 10.1.6 For establishments with access to the BMS cash receipting system all income must be recorded by the end of the business day. The income must be recorded before it is banked, and the total shown on the bank paying-in slip must equal the total value entered onto the system.
- 10.1.7 All monies received must be banked intact, and as promptly as possible and at least weekly.
- 10.1.8 Where there is a main collection e.g. school meals money, all monies must be banked, or lodged with the approved collector, on the day of the collection.
- 10.1.9 If an officer fails to comply with the above guidelines and a loss occurs, the Section 151 Officer may, where appropriate, seek restitution from the officer concerned in accordance with the Personnel Handbook, section D36.
- 10.1.10 Money received by officers which is held in trust (i.e. on behalf of someone else) but not being official Council money must be properly recorded in a form agreed by the Section 151 Officer.

10.1.11 All arrangements to receive payments by credit card, direct debit, standing order, or other e-payment methods must be first approved by the Section 151 Officer.

10.1.12 Prior approval of the Section 151 Officer is required before procuring an e-payments on-line solution or electronic point of sale device. The Section 151 Officer will require details of the provider and PCI compliance certificate.

10.2 Accounts Receivable

10.2.1 The Council will seek to recover all debt owed to it in accordance with the approved payment terms. Corporate Directors must ensure all invoices comply with the Council's corporate invoicing standards, and are raised within 10 working days of the goods and/or services being provided unless otherwise approved by the Section 151 Officer.

10.2.2 Sales invoices should not normally be raised to cover sums due to the County of **LESS THAN £30**. Wherever possible small sums should be collected in advance.

10.2.3 Accounts for sums due to the Council at fixed intervals e.g. rents, wayleaves, etc., must be issued promptly in accordance with the Council's approved systems.

10.3 Write-Offs

10.3.1 Corporate Directors must seek approval from the Section 151 Officer for the write-off of any debt. Amounts **over £1,000** may be written-off by the Section 151 Officer after consultation with the Group Manager for Legal Services.

10.3.2 A summary of all write-offs must be included in the Final Accounts report to all relevant Committees.

10.3.3 Where a sales invoice requires cancellation, a credit note must be raised complete with a cross-reference to the original sales invoice. The credit note must be authorised by the relevant budget holder.

10.4 Imprest Accounts (known as Petty Cash)

10.4.1 Corporate Directors must operate imprest accounts in accordance with the guidance provided and arrangements between their department and the Section 151 Officer.

10.4.2 The Section 151 Officer will control the opening and closing of imprest accounts in line with overall banking arrangements at the request of the appropriate Corporate Director.

10.4.3 The Section 151 Officer will determine the appropriate level of the imprest, based on the average monthly level of petty cash expenditure in the establishment concerned.

10.4.4 The nominated imprest holder must ensure that all transactions are recorded promptly and that monthly statements are submitted to the Section 151 Officer.

10.4.5 The nominated imprest holder must ensure that the imprest account is not overdrawn.

- 10.4.6 Income received on behalf of the Council must not be paid into an imprest account.
- 10.4.7 Payments from an imprest account should normally be limited to minor or urgent items of expenditure, or payments via charge cards. Each payment must be supported by a receipt which should be appended to the subsequent reimbursement claim.
- 10.4.8 All imprest accounts are subject to Council audit. The nominated officer in charge of the account will be required to give the Section 151 Officer a certificate as to the state of the imprest account on request.
- 10.4.9 Where a nominated officer responsible for an imprest account leaves the Council, the Corporate Director concerned must notify the Section 151 Officer as soon as possible that the officer is no longer responsible for that account and notify an alternative nominated officer.

10.5 Banking

- 10.5.1 The Section 151 Officer must operate banking accounts in accordance with the bank contract approved by the Finance and Property Committee. All bank accounts must have a title which incorporates the Council's name and in no circumstances should a bank account be opened or operated in the name of an individual.
- 10.5.2 All payments to and from Council bank accounts must be made under the direction of the Section 151 Officer.
- 10.5.3 All cheques drawn on the Council's main bank accounts must bear the printed signature of the Section 151 Officer. Where required by the Council's bank mandate, cheques must also be countersigned by a second officer who is authorised to do so by the Section 151 Officer. The Section 151 Officer must ensure a register of authorised cheque signatories is maintained.
- 10.5.4 All payments by CHAPS must be authorised by a senior officer nominated by the Section 151 Officer. Request for CHAPS payments and guidance on such payments is obtained from the Group Manager – Financial Strategy & Compliance.

11. RISK MANAGEMENT AND INSURANCE

- 11.1 The Council's approach to risk management is detailed in its Risk Management Strategy and the Corporate Risk Register contains the key risks facing the Council and how these risks will be managed. Corporate Directors are responsible for ensuring that risk management is applied appropriately within their Department and for notifying the holder of the Corporate Risk Register of all appropriate risks in accordance with the Risk Management Strategy.
- 11.2 The Section 151 Officer is responsible for arranging all necessary insurance cover and for reviewing the adequacy of this cover regularly, in consultation with Corporate Directors. The Section 151 Officer will also keep Corporate Directors informed of claims experience.

- 11.3 Corporate Directors are responsible for notifying the Section 151 Officer of all material changes in insurance risks and must submit insurance claims in accordance with the arrangements made by the Section 151 Officer.
- 11.4 In the event of buildings, contents, motor vehicles etc. being lost, stolen or damaged, contact must be made with the Risk and Insurance Section on the same day, or if the incident is outside of office hours, immediately on the following day.
- 11.5 Where there is death or serious injury to an employee or other person arising from County Council operations (including the use of vehicles), the Risk and Insurance Section must be contacted as soon as possible for appropriate insurance advice.
- 11.6 Liability must not be admitted in connection with accidents involving a third party other than with the authority of the Risk and Insurance Section.
- 11.7 The Risk and Insurance Manager may negotiate and agree settlements on any insured loss / claim up to the individual policy excess. Above this limit, the Risk and Insurance Manager must consult the Section 151 Officer and agree settlements as appropriate, in consultation with the Council's insurers and loss adjusters. Reports related to significant claims settled will be submitted to the Finance and Property Committee.

12. WORK FOR EXTERNAL BODIES (INCLUDING PARTNERSHIP WORKING)

12.1 General Requirements

- 12.1.1 The Council has the power under the Local Authorities (Goods and Services) Act 1970 to undertake and tender for the work of other public bodies. Other powers introduced in the Local Government Act 2003 and the Localism Act 2011 enable the Council to:
- 12.1.1.1 charge for discretionary services subject to certain rules; and
 - 12.1.1.2 trade for a profit provided that a separate company is set up.
- 12.1.2 In all cases where a Department wishes to explore the possibility of working for, or trading with, external bodies, Corporate Directors must consult with the Group Manager for Legal Services and the Section 151 Officer. This applies to new types of sold service or working for bodies not previously subject to consultation.
- 12.1.3 Where work is carried out for external bodies, officers must seek guidance from the Procurement Centre and Legal Services
- 12.1.4 Before entering into any contract or agreement to work for, or trade with, external bodies, Corporate Directors must present a report to, and obtain prior approval from the relevant Committee, including consideration of a business case where trading for a profit is proposed. See paragraph 12.3.2 below. This applies to new types of sold service or working for bodies not previously subject to a report.
- 12.1.5 All new contracts to supply services under the legislation listed in this section must be approved by the Group Manager for Legal Services and Section 151 Officer.

12.2 Charging for Discretionary Services

- 12.2.1 The Council is able to charge for services which it has the power to provide, but is not obliged to provide to the public, i.e. discretionary services.
- 12.2.2 The Council is under a duty to ensure that, taking one year with another, the charges made do not exceed the cost of providing the services. Charges can be set so that different people are charged different amounts, or are not charged for the service at all.
- 12.2.3 The person receiving the service must have agreed to receive the service and pay for it.
- 12.2.4 The power does not override any other legislation which expressly prohibits the Council from charging for a discretionary service.
- 12.2.5 Where charges are made for discretionary services arrangements should be put in place, and fully documented in a form approved by Legal Services, to provide the recipient of the service with:
 - 12.2.5.1 the terms and conditions for the provision of the service;
 - 12.2.5.2 information about charges, including discounts and annual increases;
 - 12.2.5.3 billing and payment arrangements.
- 12.2.6 Careful consideration must also be given by the relevant department to the following issues :
 - 12.2.6.1 the risks to the Council as a whole of engaging in such activity;
 - 12.2.6.2 the need to ensure appropriate skill and expertise is in place before offering to undertake work;
 - 12.2.6.3 the need to ensure that the proposals are properly costed before agreeing to supply the goods, works or services;
 - 12.2.6.4 the type of warranties and/or indemnities that may be required from the Council regarding the quality of work/service provided (this is especially likely when tendering for work for other bodies);
 - 12.2.6.5 the provision of adequate insurance arrangements to cover the Council for any liability in negligence or contract for the work undertaken;
 - 12.2.6.6 due consideration being given to the impact of such arrangements on the Council's core duties, functions and obligations to prevent any adverse impact on them;
 - 12.2.6.7 ensuring that the Council is not at risk from bad debts and to seek, where possible, advance payment;
 - 12.2.6.8 ensuring that no contracts for external bodies are subsidised by the Council from public funds;

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12.2.6.9 Any other considerations relevant to the particular activity.

12.3 The power to trade

- 12.3.1 This power allows the Council to trade for a commercial purpose (i.e. for profit) through a company.
- 12.3.2 All work for, or trade with, external bodies for profit must be conducted through a separate incorporated company which has been formally set up for the purpose. It should be noted that when the company has been established it will be a separate legal entity from the Council.
- 12.3.3 Where it is intended to trade for profit, Corporate Directors must prepare a sound business case for the proposed activity, based on a genuine risk-based approach. The business case must be a robust commercial assessment which explains why trading through a company is desirable and will provide best value for the Council.
- 12.3.4 Consideration within the business case will be required for each of the matters listed in paragraph 12.2.5 and 12.2.6 above plus such issues as:
 - 12.3.4.1 the need to transfer staff and consideration of the Transfer of Undertakings (Protection of Employment) regulations (TUPE);
 - 12.3.4.2 the impact on the trading activities of the service, as it may no longer be possible for the Council to award work directly to the company, instead it may have to bid for it via a competitive tender process;
 - 12.3.4.3 pensions implications;
 - 12.3.4.4 premises requirements;
 - 12.3.4.5 taxation implications.
- 12.3.5 The approval of Policy Committee will need to be sought to exercise a power to trade and to set up the company.

12.4 Pricing, Charging and Accounting Issues

- 12.4.1 As a general principle, the charge for any work performed for an external organisation should cover the estimated full cost of undertaking the work. The full cost would include the direct cost of undertaking the work (e.g. based on the number of days of staff time the work is likely to take, any associated travelling expenses, printing costs etc.) and a contribution towards overheads (e.g. office expenses, management overheads, accommodation costs etc.). Any deviation from this principle must be approved by the Section 151 Officer.
- 12.4.2 Charging, accounting and monitoring arrangements should be as follows:
 - 12.4.2.1 income should be collected in accordance with these regulations;

- 12.4.2.2 invoices should be rendered promptly and normally within one month of supply or in accordance with the contractual arrangements;
 - 12.4.2.3 the income arising from the performance of work for external organisations must be identified separately within the relevant service's accounts and it should be possible to determine associated direct expenditure;
 - 12.4.2.4 appropriate arrangements should be devised to monitor resource inputs, e.g. if the contract price is based on person-days, the number of person-days actually taken should be monitored;
 - 12.4.2.5 for External Audit requirements it is important to be able to identify work carried out for external organisations separately in the Council's accounts. Further guidance on accounting and monitoring should be sought from the relevant Senior Finance Business Partner.
- 12.4.3 Corporate Directors must produce an annual report on the work carried out for external organisations for the relevant Committee.

13. INVESTMENT AND BORROWING

- 13.1 The Section 151 Officer is responsible for arranging the investment of Council funds and the Pension Fund in accordance with approved Council policies.
- 13.2 Each year Full Council will approve the Treasury Management Strategy and Policy.
- 13.3 The Section 151 Officer is responsible for arranging the borrowing and lending of money on the best available terms taking into account:
- 13.3.1 present and anticipated economic conditions;
 - 13.3.2 projected flow of funds, and;
 - 13.3.3 the approved Treasury Management Strategy and Policy.
- 13.4 The Council has accepted the CIPFA Prudential Code for Capital Finance, and the Code of Treasury Management. The Section 151 Officer must report any significant variations to the Prudential Indicators, with any necessary explanations to the Finance and Property Committee as soon as practical.

14. LEGAL CLAIMS AND SETTLEMENTS

- 14.1 Corporate Directors must
- 14.1.1 Refer all potential legal claims for recovery of sundry debt collection matters to the corporate team responsible for debt recovery.
 - 14.1.2 Refer all potential or actual legal claims in relation to insured losses to the Risk and Insurance team.
 - 14.1.3 Seek advice from Legal Services on all other matters where the Council might have a legal claim against a third party and where there is likelihood that the

Council will be sued by an outside body or individual or where legal proceedings are threatened or commenced. In addition, Corporate Directors must inform the Section 151 Officer where the Council's finances might be affected and must co-operate with and provide all information requested by Legal Services.

- 14.2 Corporate Directors, in consultation with the Group Manager for Legal Services, the head of the corporate team responsible for debt recovery or the head of Risk and Insurance team as appropriate, have the power to settle such claims in order to avoid litigation and/or to achieve best value for the Council subject to the provisions in relation to write-offs set out in paragraph 10.3.1 and the provisions in relation to insured losses set out in paragraph 11.7.

15. PROTECTING PUBLIC FUNDS AND ASSETS

- 15.1 The Council has a responsibility to protect its public funds and assets and has developed a strategy to deter fraud and corruption together with a strategy for protecting public funds and assets and also has a Whistle Blowing Policy to allow concerns to be raised. These can be found on the Council's website.

16. AUDIT

- 16.1 The Section 151 Officer is responsible for arranging the continuous independent internal audit of the Council. The role of the Internal Audit Service is set out in the Internal Audit Charter in compliance with the Public Sector Internal Audit Standards and the Accounts and Audit Regulations.
- 16.2 Internal Audit focuses on the Council's control environment and independently appraises the internal controls present in financial and other systems. The arrangements made by Corporate Directors for secure, economic, efficient and effective use of resources are also reviewed. Internal Audit reports are produced containing recommendations which must be responded to formally in writing. The results of Internal Audit work contribute to the Council's Annual Governance Statement.
- 16.3 Internal Audit staff have the right of access to such records, assets, premises and personnel, and are entitled to receive such information and explanation, as they think necessary for the proper fulfilment of their duties.
- 16.4 If an irregularity occurs or is suspected, which may involve financial loss it must be reported immediately to the Section 151 Officer who may investigate and report to the Monitoring Officer and the relevant Corporate Director. The Section 151 Officer and the Monitoring Officer will jointly determine what further action to take, in consultation with the Corporate Director.
- 16.5 The Internal Audit Service reports on relevant audit issues on a regular basis to the Council's Audit Committee. Frequent liaison also occurs between Internal Audit and the Council's external auditors who rely upon the work of Internal Audit when forming their opinion on the Council's key financial and other systems.

17. LAND AND BUILDINGS

17.1 Introduction

- 17.1.1 The Finance and Property Committee is responsible for all property related functions including the acquisition and disposal of land and buildings.
- 17.1.2 The Service Director for Property must maintain a record of all land and buildings owned or occupied by the Council and shall publish prescribed details as required by regulation.
- 17.1.3 Details of all land and buildings transactions must be notified promptly to the Section 151 Officer in order that the transactions may be properly recorded in the financial records.

17.2 General

- 17.2.1 Councillors and officers who have any pecuniary or other private interest in any property transaction relating to any Council land or buildings must ensure that they comply with the appropriate codes of conduct, and shall not be supplied with or given access to any tender documents, contracts or other information without the authority of the Monitoring Officer.
- 17.2.2 The Service Director for Property will report periodically to the Finance and Property Committee on all operational property transactions, summarising key transactional information, including how value for money was achieved.
- 17.2.3 Finance and Property Committee clarifies annually the operational decision making boundaries for officers for all property transactions.
- 17.2.4 Finance and Property Committee shall approve an annual Property Statement which includes information on the various appropriate methods of disposal and the most appropriate disposal strategy for different types of property assets.

17.3 Acquisition

- 17.3.1 Funding for the acquisitions of land or buildings (including entering into leases of property) is dealt with under the rules governing capital expenditure and other major projects (see section 4).

17.4 Disposal (including granting rights and interests)

- 17.4.1 The Council is under a statutory obligation when disposing of land or buildings to obtain the best price reasonable obtainable on the open market. Therefore, consideration must be maximised including, where appropriate, sharing in any increase in value of the land arising from future development ("overage provision"). Value for money is demonstrated by reference to the most current market valuation for the asset being disposed.
- 17.4.2 When selling land the effect on the value and use of the Council's retained land must be considered and appropriate value must be obtained.

- 17.4.3 When **granting rights or interests** in land the effect on the value and use of the Council's retained land must be considered and appropriate value must be obtained.
- 17.4.4 Subject to Secretary of State approval, Finance and Property Committee approval is required in all cases where the disposal or granting of an interest in land does not meet the current market value (a disposal at an **undervalue**). Such disposals also require the consent of the Secretary of State.

17.5 Methods of Disposal

- 17.5.1 Disposals must be by one of the methods outlined below:

17.5.2 Formal Tender

- 17.5.2.1 Under the formal tender process the tender documentation forms the contract for sale. Tenders will be paper based and must be submitted in accordance with the procedures set out below unless an electronic system approved by the section 151 Officer and the Group Manager for Legal Services is in operation.
- 17.5.2.2 The form of tender will be settled by the Service Director for Property after consultation with the Group Manager for Legal Services and must be capable of acceptance as a binding contract.
- 17.5.2.3 Every invitation to tender must state that a tender will only be considered if it is submitted in accordance with the instructions provided, and received by the date and time specified in the invitation to tender. The invitation to tender must also state that tenders which do not comply fully may be rejected and that the Council reserves the right not to accept the highest or any tender received.
- 17.5.2.4 At least 28 days before the last date for the receipt of tenders, an initial public notice must be placed in at least one local newspaper and, dependent on the nature of the land or buildings to be sold, in national newspapers and in such other publications as the Service Director for Property considers desirable. The notice must describe the land to be sold, invite requests for tender documents and state the date and time by which tenders are to be returned.
- 17.5.2.5 Tenders submitted must arrive in a sealed, plain envelope or package with the word "Tender" and the title of the contract clearly written on each envelope or package.
- 17.5.2.6 Such envelopes and packages must be addressed to the Service Director for Property and upon receipt each envelope must be stamped with the date and time they were received.
- 17.5.2.7 Until such time specified for opening tenders, tender envelopes or packages received must remain securely held in the custody of the Service Director for Property or their authorised nominee.

17.5.2.8 The opening of tenders must comply with the following requirements:

Total estimated cost less than £100,000 - tenders must be opened recorded at one time in the presence of:

- an officer from the Council's Property team; and
- a supervising officer, with suitable seniority, training and experience in the role and responsibilities of a supervising officer, who must not have any direct involvement in the disposal.

The estimated cost £100,000 or more - tenders must be opened and recorded at one time in the presence of:

- an officer from the Council's Property team; and
- a supervising officer, with suitable seniority, training and experience in the role and responsibilities of a supervising officer, provided by the Group Manager for Legal Services or the Section 151 Officer.

17.5.2.9 A formal record of all tenders received for each contract must be retained and include:

- I. description of the land being disposed;
 - II. the date and time tenders were opened;
 - III. the supervising officer and other officers present;
- And for each tender:
- IV. the tenderer's name;
 - V. the date received;
 - VI. the tendered value;
 - VII. details of any noteworthy events (e.g. tender excluded with reasons, late tenders, complications etc.).

17.5.2.10 The procedures to be followed when opening tenders will be determined by the Group Manager for Legal Services and the Section 151 Officer. These procedures must include provision for dealing with late tenders and other complications that may arise.

17.5.2.11 All parties submitting unsuccessful tenders must be notified of the outcome of their offer.

17.5.3 Informal Tender

- 17.5.3.1 Under the informal tender process the contract only confirms heads of terms and is not binding on all parties, however, the process to be followed is as the formal tender process.

17.5.4 Public Auction

- 17.5.4.1 The auctioneer should be briefed at an early stage, and fully involved in preparing conditions of sale and fixing the reserve price. Sale by auction requires preparation of all contractual details beforehand in order that a binding contract may be effected immediately a bid is accepted.
- 17.5.4.2 The following criteria must be taken into account when selecting an auctioneer: cost, quality and the nature of the asset, having regard to location and value of the asset to be sold. Any reserve price will be agreed by the Service Director for Property, in consultation with the Chairman of Finance and Property Committee and with the chosen auctioneers.

17.5.5 Private Treaty Disposal to One Party / Special Purchase

- 17.5.5.1 After a reasonable period marketing the property, confidential negotiations are carried out with prospective buyers (or their agents), before contracts are exchanged.
- 17.5.5.2 Where the nature of the property or other special circumstances have identified that there is only likely to be one potential purchaser and prior to detailed negotiations, the Service Director for Property shall consult with, the Group Manager for Legal Services and the Section 151 Officer regarding the circumstances of the disposal as to whether it is appropriate to proceed with the sale.

17.5.6 Collaboration Agreements

- 17.5.6.1 Where the Council is considering entering into a collaborative partnership which may ultimately result in the disposal of land advice must be sought from the Group Manager for Legal Services and the Section 151 Officer prior to entering into detailed negotiations.
- 17.5.6.2 Approval must be sought from Finance and Property Committee before entering into a collaborative partnership or land development agreement.

17.6 Completion of Sale

- 17.6.1 Once a sale has been agreed a reasonable period (not exceeding six months) will be allowed for completion of the transaction, except where a longer period is agreed at the time the transaction is approved. If completion has not taken place by the end of the agreed period the Service Director for Property will undertake a fresh valuation of the asset/interest being disposed of and if the value has

increased shall report to the appropriate decision maker recommending that either the period for completion be extended, further negotiations take place or that sale proceedings be started afresh.

- 17.6.2 The Group Manager for Legal Services must be advised of all decisions to extend the completion date or to begin the sale proceedings afresh, so that they can inform all interested parties of the decision.

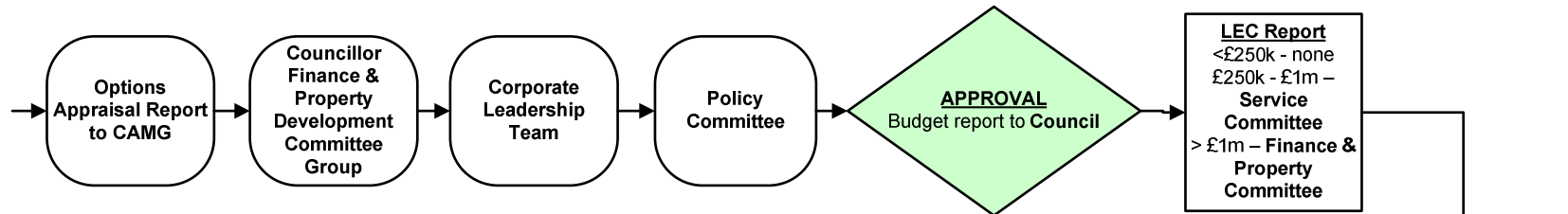
17.7 Cancellation

- 17.7.1 Every contract for the disposal of land or property must include a clause to allow the Council to cancel the contract and to recover from the purchaser the amount of any loss resulting from the cancellation if there is evidence of bribery, fraud, contravention of the Bribery Act 2010, or other misfeasance.

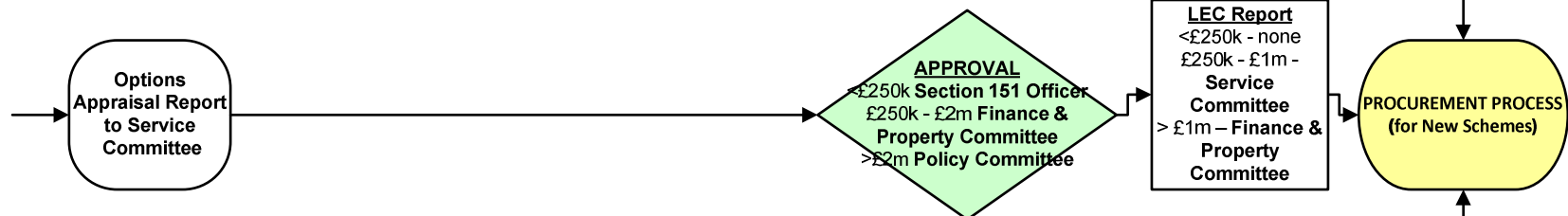
4.2.1 DECISION TREE - HOW TO GET A SCHEME INTO THE CAPITAL PROGRAMME

All capital expenditure requires approval by the relevant approval body. All County Council projects requiring County Council funds should be appraised and prioritised by CAMG. Proposed expenditure on land acquisitions and capital contributions may be exempted from the CAMG process if determined by the Section 151 Officer.

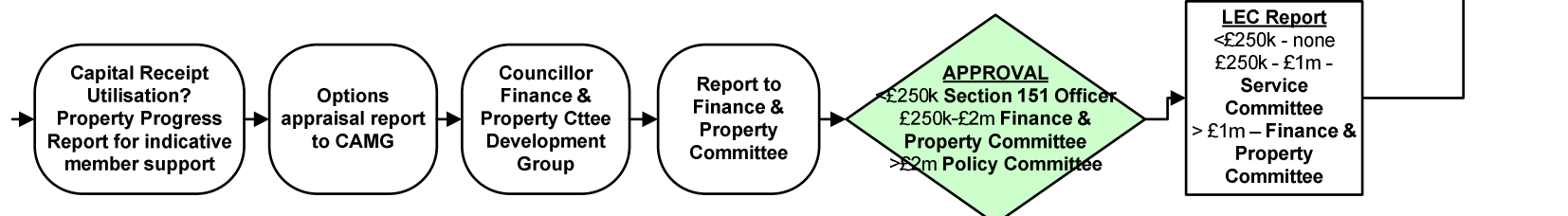
a. At the beginning of a Financial Year - The Annual Review Process.



b. During the Financial Year - the Ad-Hoc Decision route where full external funding is available.



c. During the Financial Year - the Ad-Hoc Decision route where County Council funding required.



CAMG = Corporate Asset Management Group
LEC = Latest Estimate Cost

Glossary

Corporate Asset Management Group (CAMG)	A group of senior officers tasked with ensuring that the County Council has a clear and cohesive strategy for managing its physical assets (including property, highway assets, IT assets and vehicles) and to oversee the development and delivery of the County Council's Capital Programme in support of that strategy
General Contingency	A centrally-held budget provided to cover redundancy costs, delays in efficiency savings, changes in legislation and other eventualities
Group Manager for Legal Services	The person with responsibility for the Council's legal practice
Section 151 Officer	Chief Finance Officer as set out in the Local Government Finance Act 1972
Treasury Management Strategy & Policy (TMS&P)	Approved annually by Full Council these documents are prepared in accordance with relevant regulations, guidance and codes of practice to support the Council's MTFS
Corporate Risk Register	<p>The Council has a procedure for managing corporate risks. The procedure is intended to identify, record, and communicate risks in terms of their comparative importance to the Council. The risk register helps the Council to:</p> <ul style="list-style-type: none">• understand the nature of the risks the it faces;• be aware of the extent of those risks;• identify the level of risk that that it is willing to accept;• recognize its ability to control and reduce risk.

PCI	Payment Card Industry
Prudential Indicators for Capital Finance	The Prudential Code for Capital Finance, developed by the Chartered Institute of Public Finance & Accountancy (CIPFA), sets out a number of prudential indicators that indicate how capital expenditure will be financed by borrowing in an affordable, prudent and sustainable way
MTFS	Medium Term Financial Strategy
relevant Committee	Unless the context otherwise requires, the relevant budget-holding Committee

Summary of the main changes to the revised financial regulations

Sections removed

The following sections have been removed from the financial regulations as they are addressed in other Council Policy documents:

- Management, Retention, Security and Disposal of Records
- Travel and Subsistence Claims
- Information and Communications Technology (ICT)

Main Changes to the 2016 Financial Regulations

Throughout the report there are a number of changes to ensure that the regulations reflect the current organisational structure and current job titles.

Other main areas of change are detailed below.

Section 1 - Overview

The overview section has been more clearly defined to provide an overview of the roles of the Chief Finance Officer and Corporate Directors.

- 1.7 Reports must be submitted to the Section 151 Officer or his representative at least three working days before the distribution of papers to pre-agenda (and not five working days).

Section 2 – Financial Planning and Budgetary Control

- 2.6 Where external funding is available to cover additional revenue expenditure, Corporate Directors must obtain the approval of;

- The Section 151 Officer for additional amounts **up to £250,000**;
- Finance and Property Committee for additional expenditure **over £250,000**; and
- Policy Committee for additional expenditure **over £500,000**.

Section 3 – Revenue Expenditure

3.3.1 - Consultants, Interim Managers and Specialist Contractors are time limited or ad hoc, and do not form part of 'business as usual' operations. Consultancy should be distinguished from outsourcing and staff substitution, which are not regarded as consultancy.

Also with relation to Consultants, see approval thresholds, the requirement to adhere to procurement procedures and notifications to be made to consultants / specialist contractors.

3.3.6 – State Aid Guidance has been expanded

3.4 – Note the revised approval thresholds for virements.

3.5 – Minor amendments have been made to monitoring of the revenue budget section to reflect current processes.

Section 4 - Capital Expenditure and Other Major Projects

This section has been re-organised for ease of understanding. No material changes other than:

4.6 – Final Accounts. Corporate Directors must report the final accounts for schemes over £1 million to the relevant Committee.

Section 5 – Accounting Systems

No material changes have been made to this section.

Section 6 – Assets

No material changes have been made to this section.

Section 7 – Salaries, Wages and Pensions

No material changes have been made to this section.

Section 8 – Commissioning and Procurement of Goods, Services and Works

This section has been re-written to reflect the new Procurement Centre's policy, practices and standards. The regulations set out the guidance provided by the Procurement Centre in consultation with Legal Services. In particular following the revised regulations will ensure all procurement activity follows the principles set out in the current Procurement Strategy.

Section 9 – Payment for Goods, Services and Works

9.1 Payment for goods, services and works relating to approved orders in BMS do not need further approval. See separate guidance on raising, approving and making variations to purchase orders in BMS on the Council's BMS webpages.

9.10 Further guidance provided with respect to Contract Payments.

Section 10 – Income, Banking and Imprest Accounts

10.1.2 Cash payments of more than £1,000 must not be accepted for a single transaction without the written approval of the Section 151 Officer.

10.1.4 County Supplies issue official receipts books relating to the collection of income.

10.1.6 For establishments with access to the BMS cash receipting system all income must be recorded by the end of the business day.

10.1.12 Prior approval of the Section 151 officer is required before procuring an e-payments on-line solution or electronic point of sale device.

Section 11 – Risk Management and Insurance

No material changes have been made to this section.

Section 12 – Work for External Bodies

No material changes have been made to this section.

Section 13 – Investment and Borrowing

No material changes have been made to this section.

Section 14 – Legal Claims and Settlements

The wording of this section has been amended to ensure that it is clear to whom legal claims and settlement queries should be directed to.

Section 15 – Protecting Public Fund and Assets

No material changes have been made to this section.

Section 16 – Audit

No material changes have been made to this section.

Section 17 – Land and Buildings

17.2.2 - The Service Director, Property will report periodically to the Finance and Property Committee on all operational property transactions.

17.2.3 - Finance and Property Committee shall approve the Property Statement annually.

17.4.3 – When granting rights or interests in land the effect of the value and use of the Council's retained land must be considered and appropriate value must be obtained.

17.5 Methods of Disposal – this section has been updated to reflect current available methods.

REPORT OF THE CHAIRMAN OF FINANCE AND PROPERTY COMMITTEE**CHANGES TO THE ARRANGEMENTS FOR APPOINTING EXTERNAL AUDITORS****Purpose of the Report**

1. This report summarises the changes to the arrangements for appointing External Auditors following the closure of the Audit Commission and the end of the transitional arrangements.
2. This report sets out the options for new arrangements and recommends opting in to the national sector-led body set up by the Local Government Association (LGA).

Information and Advice

3. The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and National Health Service (NHS) bodies in England. These transitional arrangements come to an end following the audit of the accounts for 2017/18.
4. The Council's current external auditor is KPMG, appointed under a contract let by the Audit Commission. Following closure of the Audit Commission the contract is currently managed by Public Sector Audit Appointments Limited (PSAA), the transitional body set up by the LGA with delegated authority from the Secretary of State for Communities and Local Government (CLG). Current fees are based on discounted rates offered by the firms in return for substantial market share. When the contracts were last negotiated nationally by the Audit Commission they covered NHS and local government bodies and offered significant economies of scale.
5. When the current transitional arrangements come to an end on 31 March 2018 the Council will be able to move to local appointment of the auditor. There are a number of routes by which this can be achieved, each with varying risks and opportunities.
6. The scope of the audit will still be specified nationally; the National Audit Office is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all accounting firms will be eligible to compete for the work; they will need to demonstrate that they have the required skills and experience. The registration process for this has not yet commenced and so the number of firms is not known. It is expected that the list of eligible firms may include the top 10 or 12 firms in the country,

including our current auditor. It is unlikely that small, local, independent firms will meet the eligibility criteria.

7. In response to the consultation on the new arrangements, the LGA successfully lobbied for Councils to be able to opt in to a national sector-led body appointed by the Secretary of State. Local authorities were required to submit expressions of interest in this option by the end of April 2016. 270 expressions of interest were received by the Secretary of State. PSAA Ltd has been confirmed by the Secretary of State as the appointing body. Finance and Property Committee agreed at its meeting of 25th April 2016 to submit Nottinghamshire County Council's interest in the sector-led body option, and this is therefore available to the Authority as a possible option.
8. PSAA Ltd has the ability to negotiate contracts with firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector. Although this option will mean that individual elected members will have less opportunity for direct involvement in the appointment process, the sector-led body is considered to offer a number of significant advantages:
 - The costs of setting up the appointment arrangements and negotiating fees are shared across all opt-in authorities.
 - By offering large contract values the firms will be able to offer better rates and lower fees than are likely to result from local negotiation.
 - Any conflicts at individual authorities will be managed by the sector-led body who will have a number of contracted firms to call upon.
 - The sector-led body is able to act in the collective interests of the 'opt-in' authorities.
9. The Council has until 9 March 2017 to formally opt in to the sector-led body. This will allow sufficient time for PSAA Ltd to conduct the necessary contract negotiation process, in advance of external auditor appointments being made by December 2017.

Other Options Considered

10. Two other options are available to the Council.
11. To make a stand-alone appointment – this would require the Council to set up an Auditor Panel. The majority of the members of the panel must be independent appointees, which precludes current and former elected members (or officers) and their close families and friends. This option would allow the Council to take maximum advantage of the new local appointment regime and to have local input to the decision. However, there are significant drawbacks to this option:
 - Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on-going expenses and allowances.
 - The Council would not be able to take advantage of reduced fees that may be available through joint or national procurement contracts. The assessment of bids and decision on

awarding contracts would be taken by independent appointees and not solely by elected members.

12. Set up a Joint Auditor Panel/local procurement arrangements - the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this would need to be constituted of a majority of independent appointees. The Council would need to liaise with other local authorities to assess the appetite for such an arrangement. Should there prove to be sufficient interest, this option would mean that the costs of setting up the panel, running the bidding exercise and negotiating the contract would be shared across a number of authorities. There would also be greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms. However, as with the previous option, this approach also has disadvantages:

- There may be few, if any, local authorities interested in such a joint approach.
- The choice of auditor could be complicated where individual Councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the Council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. Should this occur, the Council might still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Reasons for Recommendations

13. Best value for money in the appointment of external auditors is most likely to be secured by being part of the sector-led body. Nationally, the LGA states that the present joint commissioning arrangements have achieved reductions in fee levels in the order of 50% compared with historic levels. For the Council the level of fees for 2015/16 reduced by 25% compared with the previous year. It is realistic to assume that best value will continue to be driven through the strengthened bargaining position that a sector-led approach should offer.

Statutory and Policy Implications

14. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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.

RECOMMENDATION/S

- 1) That the Council opts into the LGA established sector-led body for the appointment of external auditors following the close of the 2017/18 accounts.

Councillor David Kirkham

Chairman of the Finance and Property Committee

For any enquiries about this report please contact:

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Constitutional Comments (SLB 02/11/2016)

15. The County Council is the appropriate body to consider the content of this report. The relevant regulations require that a decision to opt-in to the national scheme needs to be made by members of the Authority meeting as a whole.

Financial Comments (RWK 27/10/2016)

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

Background Papers and Published Documents

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

- Background information supplied by the Local Government Association.
- Letter from PSAA Ltd (27/10/16) inviting the Council to opt in to the national scheme.

Electoral Division(s) and Member(s) Affected

- All