

Communities and Place Committee

Thursday, 05 November 2020 at 10:30

Virtual meeting

AGENDA

1	Minutes of last meeting held on 1 October 2020	1 - 6
2	Apologies for Absence	
3	Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary)	
4	Emergency Planning Team Staffing Establishment	7 - 12
5	Recommendations from Highway Drainage Review	13 - 16
6	Local Improvement Scheme - Capital Fund 2020-21	17 - 32
7	Pavement Parking - Options for Change - Consultation	33 - 52
8	Update on Trading Standards and Communities Matters	53 - 64
9	Rempstone Road East Leake - Prohibition of Driving Order (8300) and Speed Limit Order (8301)	65 - 72
10	Work Programme	73 - 78

Notes

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

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Noel McMenamin (Tel. 0115 977 2670) or a colleague in Democratic Services prior to the meeting.

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

Meeting	Communities and Place Committee
Date	1 October 2020 (commencing at 10:30 am)

Membership

Persons absent are marked with an 'A'

COUNCILLORS

John Cottee (Chairman)
Phil Rostance (Vice-Chairman)
John Handley (Vice-Chairman)

Pauline Allan	Tom Hollis
Richard Butler	Vaughan Hopewell
Jim Creamer	Bruce Laughton
Glynn Gilfoyle	John Ogle
Kevin Greaves	

SUBSTITUTE MEMBERS

None

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Richard Butler
Steve Carr
Kate Foale
Gordon Wheeler

OFFICERS IN ATTENDANCE

Mick Allen	-	Place Department
Ian Bond	-	Inspire
Doug Coutts	-	VIA
Peter Gaw	-	Inspire
Sue Jaques	-	Place Department
Helen North	-	VIA
Matthew Neal	-	Place Department
Sean Parks	-	Place Department
Adrian Smith	-	Place Department
Gary Wood	-	Place Department
Noel McMenamin	-	Chief Executive's Department

1. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 3rd September 2020, having been circulated to all Members, were taken as read and were signed by the Chairman.

2. APOLOGIES FOR ABSENCE

None.

3. DECLARATIONS OF INTERESTS

Councillor Glynn Gilfoyle declared a non-pecuniary interest in agenda items 4 and 5 'Inspire – Development Update and 4th Year Review' and 'Inspire Annual Learning Plan and Fees 2020-2021' as an NCC-appointed Director of Inspire, which did not preclude him from speaking and voting.

Councillor John Cottey declared a non-pecuniary interest in agenda items 4 and 5 'Inspire – Development Update and 4th Year Review' and 'Inspire Annual Learning Plan and Fees 2020-2021' as an NCC-appointed Director of Inspire, which did not preclude him from speaking and voting.

Councillor John Ogle declared a non-pecuniary interest in agenda item 7 'Via East Midlands Update and 2020-2021 Overview' as an NCC-appointed Director of Via East Midlands Ltd, which did not preclude him from speaking or voting.

4. INSPIRE – DEVELOPMENT UPDATE AND 4TH YEAR REVIEW

RESOLVED 2020/044

That no further actions be required in relation to the delivery of cultural, learning and library services across Nottinghamshire and its achievements in the fourth year of operation, and that future performance updates on these services be received at a future Committee meeting.

5. INSPIRE ANNUAL LEARNING PLAN AND FEES 2020-2021

RESOLVED 2020/045

That:

- 1) the performance and outcomes during the previous academic year, including the performance of accredited learning against national achievement rates be acknowledged;
- 2) the service plan for the 2020-2021 academic year be approved;
- 3) the service plan for use of the Education and Skills Funding Agency in the 2020-2021 academic year be approved;

- 4) the schedule of fees for the 2020-2021 academic year at appendix 2 to the report be approved;
- 5) the supply chain arrangements for the 2020-2021 academic year at appendix 3 to the report be approved.

6. FLOOD RISK MANAGEMENT – SECTION 19 REPORTS

The Committee's discussion was informed by comments from Councillors Carr and Foale, whose divisions had been affected by the flooding in Chilwell and Beeston.

RESOLVED 2020/046

That

- 1) the publication of Section 19 reports at appendix A and appendix B to the report be approved, in accordance with Section 19 of the Flood and Water Management Act 2010 and the Council's Lead local Flood Authority responsibilities;
- 2) the work highlighted in the report be endorsed;
- 3) all agencies involved be encouraged to seek and implement suitable measures to alleviate flooding as soon as reasonably possible;
- 4) officers provide updates to Committee on all relevant agencies' progress with alleviation measures as part of the regular Flood Risk Management updates.

At this point, and in view of technical issues in considering item 7 'Via East Midlands Update', the Committee considered item 8 on the agenda.

8. HIGHWAY WINTER SERVICE 2020-2021

RESOLVED 2020/047

That the procedures and communications arrangements set out in the report to ensure that Nottinghamshire's highway winter service is fully prepared for the challenges of the forthcoming winter season be endorsed.

The Committee then considered agenda item 7.

7. VIA EAST MIDLANDS UPDATE AND 4TH YEAR REVIEW

During discussion, it was agreed to circulate copies of a presentation on asset management provided to the Communities and Place Review and Development Committee on 24 September 2020 to Committee members for information.

RESOLVED 2020/048

That no further actions arose from the Committee's consideration of the report and presentation.

At this point, Councillor Creamer left the Committee meeting.

9. IMPROVING THE ENVIRONMENT AND RECYCLING IN RUSHCLIFFE

The Committee's discussion was informed by comments from Councillor Richard Butler, in whose division the proposed recycling facility was situated.

RESOLVED 2020/049

That:

- 1) the development of an additional recycling centre in Rushcliffe be approved;
- 2) approval be given for officers to submit a planning application for the preferred site off Hollygate Lane in Cotgrave.

10. HIGH STREET AND MATTERSEY ROAD, EVERTON – PROHIBITION OF WAITING TRAFFIC REGULATION ORDER

RESOLVED 2020/050

That the Nottinghamshire County Council (High Street and Mattersey Road, Everton) (Prohibition of Waiting) Traffic Regulation Order 2020 (1248) be implemented as advertised and that the objectors be informed accordingly.

11. TRENT LANE, EAST BRIDGFORD – EXPERIMENTAL TRAFFIC REGULATION ORDER

RESOLVED 2020/051

That Nottinghamshire County Council (Trent Lane, East Bridgford) Experimental Traffic regulation Order 2019 (8278) be made into a permanent order and the objectors be informed accordingly.

12. MUSTERS ROAD, WEST BRIDGFORD – PROVISION OF A ZEBRA CROSSING

RESOLVED 2020/052

That the controlled zone for the proposed zebra crossing on Musters Road be implemented as advertised and the objectors notified accordingly.

13. RESPONSES TO PETITIONS

RESOLVED 2020/053

That the proposed actions be approved, that the lead petitioners be informed and that outcome of the Committee's consideration be reported to Full Council.

14. WORK PROGRAMME

It was agreed during discussion to consider outside the meeting the appropriate point to take reports on waste recycling provision for Ashfield/Mansfield, and an update on the Environment Strategy , incorporating air quality issues.

RESOLVED 2020/054

That the Committee's work programme be agreed.

The meeting concluded at 12.55pm

Chairman

05 November 2020**Agenda Item:4****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****EMERGENCY PLANNING TEAM STAFFING ESTABLISHMENT****Purpose of the Report**

1. To seek approval to add 2.4 FTE posts to the establishment of the emergency planning team in order to address increased routine service demand and to fulfil new burdens.

Information

2. Nottinghamshire County Council's preparedness for emergencies is facilitated by a small, well established and well regarded Emergency Planning Team. Responsibilities undertaken by the team have increased substantially over recent years, and a business case exists for an increase in the size of the team. Additional resources in this area represents an investment in the resilience of the County Council to respond well to the demands of future emergencies.
3. It is proposed to increase the emergency planning team from 1.6 to 2.0 full-time equivalent (FTE) Team Manager posts, and from 4.0 to 6.0 FTE Emergency Planning Officer posts, bringing the total establishment to 8.0 FTE plus 0.5 FTE Group Manager position.
4. The proposals detailed in this report are separate to those brought forward by the Director of Public Health (and agreed by the Adult, Social Care and Public Health Committee) for the use of COVID-19 Test and Trace Grant. This included a temporary 12-month fixed term Emergency Planning Officer position to work in support of Public Health.

The Work of the Emergency Planning Team

5. The Emergency Planning Team aims to ensure that the County Council and Nottinghamshire communities are as resilient as possible to the impact of emergencies of all kinds. The team is also responsible for ensuring the safety of spectators and others attending sporting events.
6. The work of emergency planning team includes specific actions to:
 - Assess major risks affecting Nottinghamshire communities.
 - Develop and maintain appropriate statutory, incident-specific and generic Emergency Plans to respond effectively to any emergency.
 - Provide appropriate emergency response training courses to assist County Council staff to prepare themselves to carry out their role in an emergency.

- Prepare and deliver appropriate exercises to effectively challenge the appropriateness of plans and the preparedness of staff.
- Cooperate and share information with Local Resilience Forum (LRF) partners, maintaining and developing effective liaison and facilitating the work of specialist multi-agency groups.
- Plan to warn and inform the public regarding emergencies.
- Facilitate the development of effective Business Continuity Management for the County Council and fulfil the statutory duty to promote business continuity.
- Maintain a 24 hours-a-day, 365 days-a-year emergency response capability.
- Be the lead service for the safety of sports grounds including facilitating the work of Safety Advisory Groups in respect of Safety at Sports Grounds and Events Safety Planning.
- Provide emergency planning and business continuity support, guidance and advice to District and Borough authorities through a Service Level Agreement with each authority (including an enhanced service for Rushcliffe Borough Council).
- Support local community resilience activities.

County Council Preparedness for Major Emergencies

7. The Emergency Planning Team maintains a comprehensive suite of emergency plans for the County Council's part in the response to major incident. These fulfil the requirements of the Civil Contingencies Act and other legislation.
8. Plans are currently reviewed on a four-year cycle, which is commensurate with the resources currently available of this work. However, this review period is proving to be too long to sustain when key structures and resources change at a greater pace. Similarly, in recent years it has been increasingly difficult to sustain appropriate schedules for completion of appropriate training and exercises associated with County Council and LRF emergency plans.
9. Emergency response plans for major flood emergencies have been used on a frequent basis over recent years. The outcomes from post-incident debriefing are fed into plan reviews and training events, internally with the County Council and in concert with LRF partners. This is one specific area of work that will benefit from additional emergency planning resources.

Increased Expectations and New Burdens

10. Experience gained through the Covid-19 pandemic has highlighted the importance of being well prepared for business continuity and emergency response challenges. Emerging national and local work to learn lessons from the pandemic has pointed towards increasing expectations in respect of the resilience of public services. This adds to a range of pre-existing pressures on the emergency planning service, as follows:
 - The threat of terrorism is ever-present in the UK, and there is a heightened expectation by government and the public that local authorities will respond well when attacks such as the Manchester Arena bombing occur, and that they will have specific arrangements in place for occasions when the UK Threat Level increases to 'Critical'.
 - The Grenfell Tower Fire demonstrated that the local authority emergency response needs to be swift, visible and effective. This tragedy also illustrated that authorities need to be

ready and able to engage with affected communities and embrace the contributions of spontaneous volunteers and people wishing to make donations.

- Nationally, there is an expectation that local organisations will use 'Resilience Direct' to manage their response to emergencies, in collaboration with Partners. Members of the emergency planning team are conversant with this system but there is a need to build the County Council's wider capacity to take full advantage of its benefits.
 - A specific example of increased burdens on the emergency planning function is provided by the publication of revised Sports Ground Safety Authority guidance, which is the subject of a section later in this report.
11. The emergency planning team facilitates the County Council's contributions to the LRF and internally it facilitates the 'Risk, Safety and Emergency Management Board' (RSEMB). Over recent years there has been an increasing frequency of RSEMB meetings. Also, an increased number of occasions when the emergency planning team has been called in to assist with service incidents and challenges that fall short of being emergencies but which benefit from the emergency planning approach to crisis management.

Changes in UK Guidance on the Safety of Sports Grounds

12. In early 2017, the Sports Grounds Safety Authority (SGSA) reviewed its understanding of the primary legislation that sets out how safety at sports grounds should be regulated and the remit of local authorities. The review led to a change in interpretation of the legislation and (following a public consultation) revised guidance was published in October 2017. This widened the definition of safety in relation to sports grounds, and thereby expanded the remit of the County Council as certifying authority for sports grounds in the county.
13. In previous guidance, only risks to the safety of spectators were considered, and matters relating to counter terrorism, crowd disorder and antisocial behaviour at a sports ground were not explicitly addressed as they were considered to be largely the remit of the police. The SGSA now considers that the matters which should be considered within the purview of a Safety Certificate include anything which may pose a danger of physical harm. This explicitly includes risks from terrorist activity, crowd disorder and antisocial behaviour. In addition, the SGSA considers that a Safety Certificate should now ensure that all people present at a sporting event are protected, not just spectators.
14. These changes led to a review of County Council policies, procedures and documentation relating to safety at sports grounds. This has led to an increase in the work of the emergency planning team to engage with a wider range of stakeholders, hold additional meetings, routinely scrutinise a wider range of documentation provided by sports grounds, and undertake more wide-ranging and frequent inspections.
15. In addition to the safety certification role, the emergency planning team is often called upon to provide specialist advice and assistance to sports grounds and event organisers in the county, often at short notice. Examples include the Tour of Britain cycle race, Mansfield Town Football Club hosting an U19 International match, and Nottingham Forest Football Club hosting an international rugby match. Such events benefit the economy of Nottinghamshire and rely on the ability and capacity of the emergency planning team to support their safety.

Contribution to the Work of the Local Resilience Forum

16. The County Council is a principal contributor to the routine work of the Local Resilience Forum (LRF) and leads on some key strands of the LRF Work Plan. The capacity of all LRF partner agencies has reduced over recent years, including that of the County Council. As a consequence, the Work Plan for the LRF has included fewer development objectives than in previous times. This is now affected by emerging lessons from the COVID-19 experience and LRF partners will all face increased resilience work.
17. The risks identified in the LRF Community Risk Register are broad and varied. Multi-agency emergency plans have been developed and have matured to respond to a variety of potential incidents. Local authorities have a range of lead roles in the response and recovery phases of a major incidents. For example, LRF plans for disruption to critical services (Gas, Electricity, Water) and to an outbreak of an exotic animal disease (e.g. Avian Flu) all identify lead roles for the County Council. This brings with it the expectations that under certain circumstances the County Council would chair and support strategic, tactical and recovery coordination structures.

Capacity for Research and Development

18. Currently, the emergency planning team has limited capacity for research and development work that would enable a more pro-active approach to service improvement. Also, the team is able to undertake a minimal amount of business continuity promotion work. There is scope for more beneficial work on this front, particularly working with care homes, care providers and schools to increase their resilience to emergencies.
19. Very large scale disasters such as the Grenfell fire require resources beyond what any single authority is capable of providing, even if well resourced. Under these circumstance, it is vital to have effective mutual aid arrangements in place with neighbours. Wide area incidents, such as those caused by severe weather, necessitate cooperation, liaison and sharing of resources beyond county borders. All these require regular planning, training and contact between neighbouring areas.

Financial Information

20. The following table compares the current resources with the proposed increase.

Current establishment	Proposed addition	Nature of the proposed change
0.5 FTE Group Manager	No change	No change.
1.6 FTE Team Managers	0.4 Team Manager	To increase the establishment so that there will then be two FTE Team Manager posts
4.0 FTE EP Officer posts	2.0 FTE Emergency Planning Officers	Each Team Manager would then line manage three emergency planning officers.

21. The proposals would add an estimated £105,000 to the annual cost of the emergency planning function (with salary, NI and pension costs included), plus ICT and other equipment costs.
22. The proposal can be fully funded for the next two years at least through the use of permanent staffing savings available elsewhere under the Group Manager together with funding provided by central government for EU Exit and Covid-19 response. The Registration Service has assessed the need for the currently vacant (Hay Band C) Registration Service Development Manager position. The service was able to return a cost-neutral position in financial year 2019

– 2020 and has therefore concluded that the post is no longer necessary. The salary costs associated with a Hay Band C post equate to £49,000 per year. Funding beyond two years will be incorporated in the work to implement lessons from the COVID-19 response.

Risks and Opportunities

23. Additional resources for the emergency planning function represents an investment in the resilience of the County Council to respond well to the demands of future emergencies. This will enhance the ability of the authority to sustain an effective response to a large scale disaster or business continuity incident. Also, the authority will be better able to undertake the work needed to fulfil new responsibilities in a timely manner.
24. Investment in additional capacity will increase the opportunity for training County Council staff for their role in Emergency Centres and at the scene of an emergency, including for example the use of Youth Centre facilities and staff in emergency accommodation plans. It will also enhance the opportunities for the professional development of members of the emergency planning team, which will enhance the capabilities of the function overall.
25. Lessons from recent UK major incidents such as the Grenfell Tower fire and terrorist attacks in Manchester and London have highlighted the need to be ready to coordinate offers of help from spontaneous volunteers and for accepting for donations from the public. The team and LRF partners are aware of the need to be prepared and plan for this as part of our overall response but current capacity has limited progress. Similarly, although a great deal has been done to support resilience initiatives in local communities, there is scope to do more of this in the future.

Other Options Considered

26. It is considered that the options of no-change or of a smaller increase in establishment of the emergency planning team will not provide the opportunity to implement lessons from recent UK emergencies. A larger increase has not been considered at this time due to uncertainty regarding future funding for local government generally.

Reason/s for Recommendation/s

27. To address increased routine service demand and to fulfil new burdens.

RECOMMENDATION/S

It is recommended that the Committee agrees to:

- 1) Invest in an increase in the size of the Emergency Planning Team by 2.4 FTE posts.
- 2) The disestablishment of the Registration Service Development Manager post – Band C.

Derek Higton
Service Director, Place & Communities

For any enquiries about this report please contact: Robert Fisher, Group Manager,
Emergency Planning and Registration

Constitutional Comments (SG 24/09/2020)

28. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to emergency planning has been delegated.

Financial Comments (RWK 07/10/2020)

29. The report proposes increasing the Emergency Planning team by 2.4 FTE posts at an estimated cost of £26,250 in 2020/21 and £105,000 in a full year. The additional costs in 2020/21 can be met from savings from the vacant Service Development Officer post in the Registration service. The annual saving from not filling this post is estimated at £49,000.

30. The additional costs in 2021/22 can be met from savings from this post together with additional funding provided by central government for EU Exit and Covid-19 response. In the longer term the additional costs will be met from savings from the Registration post and from other funding from within existing departmental budgets.

HR Comments (JP 30/09/2020)

31. Recruitment to the additional established posts will be in line with HR policies and procedures including the Authority's recruitment procedure.

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

5 November 2020**Agenda Item:5****REPORT OF THE CORPORATE DIRECTOR, PLACE****RECOMMENDATIONS FROM HIGHWAY DRAINAGE REVIEW****Purpose of the Report**

1. To update the Communities and Place Committee about the findings of the Communities and Place Review and Development Committee and to allow consideration of the recommendations set out in paragraphs 9 to 11.

Information

2. The recommendations set out below were ratified by the Communities and Place Review and Development Committee during its meeting on the 23rd of September 2020 and have now been brought to the Communities and Place Committee for approval.

Mud on the Highway

3. Officers in Via EM Ltd. have adopted a zero tolerance approach towards mud on the highway. In the past Via EM Ltd.'s ability to respond to mud on the highway was limited by the availability of its staff however, a number of compliance officers have recently been recruited which will allow a greater degree of monitoring and enforcement activity to take place.
4. County Council officers now produce more robust planning comments which relate to housing developer's responsibilities to manage surface water run off from their sites during construction and any mud on the highway which may be deposited as a result of their activities.

Appointments within Via EM Ltd.

5. Via EM Ltd. has recently appointed four 'Drainage Champions' who are responsible for co-ordinating the response to highway drainage enquiries and undertaking liaison with the County Council's Flood Risk Management Team. The four 'Drainage Champions' will be shortly be supplemented by the appointment of a an experienced drainage engineer (*this post currently being advertised*) who will support support the highways District Managers and act as their intermediary with Via EM Ltd.'s highway design teams.

Gully Cleansing

6. ACL – the subcontractor which provides the County Council's cyclic gully cleansing works – has recently cleansed their 24,000th gully (correct on the 25th August 2020) in the County this financial year. ACL's works are subject to a contractual KPI that compares their completed works with their annual programme which is agreed with Via EM Ltd at the beginning of each financial year. In 2019/20 ACL achieved their KPI (i.e. they attempted to clean 100% of the

programmed gullies and actually cleaned 96% of these gullies, the missed gullies were either inaccessible because of parked vehicles or subject to a defect of some kind).

Procurement of telemetry and CCTV equipment

7. Nottinghamshire County Council officers are currently exploring a range of telemetry and CCTV options which will enable Risk Management Authorities – (i.e. the County Council, the Environment Agency, Internal Drainage Boards and District & Borough Councils) to inspect key high-risk drainage assets such as trash screens, culverts, weirs, grills and other structures remotely. The proposed equipment will enable Risk Management Authorities to decide whether maintenance is required and allow them to monitor the condition of their drainage assets during storm events.
8. Via EM Ltd. have recently procured CCTV equipment to undertake highway drainage investigations. This equipment will allow operatives to swiftly identify defects and arrange for the appropriate remedial actions to be taken. The CCTV equipment will also allow Via EM Ltd. to generate an income by offering a drainage investigation service to other parties and eliminate the costs of hiring equipment when it is required.

Recommendations

9. The following recommendations relate to gully cleansing:
 - Officers in Via EM Ltd. shall provide Members - *and parishes where applicable* - with advanced notification of the cyclical gulley emptying activities which are programmed to take place within their Divisions.
 - Officers in Via EM Ltd. shall provide Members - *and parishes where applicable* – with lists of the gulleys which have been emptied within their Divisions and details of any problems encountered such as parked vehicles or drainage defects that require further investigation.
 - Officers in Via EM Ltd. shall review the County Council's current cyclical gulley cleansing arrangements to ensure that concerns about areas prone to flooding and repeat reactive visits are included in the decision making process about gully emptying frequencies.
 - Officers in Via EM Ltd. shall ensure that any information relating to the County Council's drainage assets obtained during their works is recorded and made available for future use.

Communications with other Authorities

10. The following recommendation relates to communications with other Authorities:
 - Officers in both Via EM Ltd. and the County Council shall continue to build upon their partnership working arrangements with other agencies such as Seven Trent Water and the Environment Agency.
 - Officers in Via EM Ltd shall produce - *and keep updated* - a list of locations which are prone to flooding because of issues associated with Seven Trent Water apparatus. Officers from Via EM Ltd. shall also regularly meet with representatives from Seven Trent Water to discuss potential remedial actions.

Communications with the Public

11. The following recommendations relate to communications with members of the public:
 - Via EM Ltd. will seek to improve the public's perceptions of its drainage works, this shall include the production of a number of short videos that will be available on-line. These

videos shall explain how highway drainage systems work, the difference between cyclic & reactive drainage works and address common misconceptions associated with highway drainage.

- Officers in both Via EM Ltd. and the County Council will improve their communication arrangements with riparian owners to ensure that they are aware of their responsibilities, this shall include the proactive identification of watercourses where maintenance is required.

Reason/s for Recommendation/s

12. The recommendations set out above have been arrived at following due consideration of the available options by the Communities and Place Review and Development Committee and in response to the exceptionally wet winter conditions which took place in 2019.

Statutory and Policy Implications

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

RECOMMENDATION/S

- 1) It is recommended that the proposals contained in paragraphs 9 to 11 above, being the findings and recommendations of the Communities and Place Review and Development Committee, be endorsed by the Communities and Place Committee.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Martin Carnaffin – Contract Manager Tel: 0115 9774229

Constitutional Comments (SJE – 05/10/2020)

14. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the management and maintenance of highways, and of flood risk management scrutiny, has been delegated.

Financial Comments (RWK 28/09/2020)

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

Background Papers and Published Documents

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

- Nottinghamshire County Council's Highway Network Management Plan

Electoral Division(s) and Member(s) Affected

- All

5 November 2020**Agenda Item:6****REPORT OF THE SERVICE DIRECTOR, PLACE & COMMUNITIES****LOCAL IMPROVEMENT SCHEME: CAPITAL FUND 2020 - 2021****Purpose of the Report**

1. To seek Members' 'approval in principle', to the award of capital funding for projects that meet the Local Improvement Scheme Capital Fund 2020-21 criteria.
2. To confirm that all successful grant applications are subject to the terms and conditions of the Local Improvement Scheme Agreement (Deed) which has been drafted in consultation with Legal Services.
3. To seek approval to change the project completion date from 30 June 2021 to 31 December 2021, for successful applications.
4. To endorse the offering of practical support and / or signposting through the Communities Team in proportion to the availability of resources, to organisations that have not been successful with their application.

Information

5. The Local Improvement Scheme is a discretionary financial contribution awarded by Nottinghamshire County Council to support the delivery of non-statutory capital projects that help to achieve the Council's priorities as set out in the Council Plan 2017-21.
6. Applications for Local Improvement Scheme capital projects should also demonstrate how they contribute to the Local Improvement Scheme strategic aims which are to encourage and support local communities to be strong, vibrant and resilient, to encourage and support volunteering and to seek wider funding opportunities.
7. The Local Improvement Scheme is a member-led process and as such, all applications for funding must have the support of a Nottinghamshire County Councillor.
8. On 15 November 2017, the Policy Committee approved the opening and launch of a new Local Improvement Scheme Integrated Funding Programme and Strategy 2018 to 2021.

9. At the Communities and Place Committee in September 2019 Elected Members approved the opening of the Capital Funding round in November 2019. The closing date for applications was 28 February 2020, making this the third of three annual capital funding rounds as part of the Local Improvement Scheme 2018 to 2021.
10. Due to the COVID-19 emergency response, the application process for the Local Improvement Scheme Capital Fund 2020-21, was paused to allow for the Council resources to be focused where most needed to support communities and to set up, manage and administer the Nottinghamshire COVID-19 Community Fund and the Government Local Authority Emergency Assistance Fund.
11. At July Committee Elected Members agreed to 'un-pause' the Local Improvement Scheme Capital Fund 2020-21, with a view to approving applications that meet the criteria at a Communities and Place Committee later in the year.

The Criteria

12. To be eligible for Local Improvement Scheme capital funding, the proposed capital project / assets must be available for public use and / or leave a legacy for at least three years after the asset has been purchased and installed. The guidance that was published during the application window provided examples of what the funding can and cannot be used for.
13. Local Improvement Scheme funding is a *contribution* to the delivery of a project, therefore the funding is not intended to cover the full project costs. Organisations were encouraged to secure at least 50% of required funding from other sources (i.e. match funding).
14. Capital funding can be used to help with the initial cost of the project / asset, however it cannot be used for ongoing maintenance. Therefore, organisations must ensure that they have plans and funds in place to maintain the project.
15. To achieve best value for money and enable the Council to support as many much-needed community-based capital projects as possible, the criteria for the Capital Fund 2020 to 2021 was refreshed. The key changes were:
 - a) The maximum application amount / award was adjusted from £50,000 to £30,000.
 - b) More focused criteria for organisations that are eligible to apply so that the funding could be targeted at those organisations that need it most. The published guidance outlined who can and cannot apply for Local Improvement Scheme Capital Funding 2020-21.
 - c) Organisations will have up to 12 months to spend the grant to ensure that the projects are completed within the strategic timeframe for this Fund. Had it not been necessary to 'pause' this Fund, the original timeframe would have resulted in projects completing by 30 June 2021.

The Launch, Promotion and Guidance for Applicants

16. The Local Improvement Scheme Capital Fund 2020-21 was launched in December 2019. As from January 2020, promotion of the Scheme was wide-ranging throughout the County, as agreed with the Corporate Communications and Marketing department.

17. Communications and Marketing supported the launch and promotion of the Local Improvement Scheme Capital Fund through various channels including press-releases, social media (which included regular Twitter feeds) and banners on the Council's public website. Interested organisations were encouraged to sign up to the Council's 'Email Me' service to receive updates and reminders.
18. Information about the new capital funding round was sent directly to all Nottinghamshire County Council Elected Members, as well as to all the Parish and Town Councils.
19. Promotion of the Scheme was also supported by a number of cross-departmental colleagues who shared the launch information with their own contacts.
20. During the application window, the application form and guidance documents could be accessed from a dedicated webpage on the Council's website. Guidance included information about the criteria, governance and publicity requirements, along with guidance and typical costs for some of the most standard, eligible capital items, such as village gateway signs, brown tourist signs and information boards.
21. The year 2020 sees the 400th anniversary of the sailing of the Mayflower to the United States. Nottinghamshire has a close association to this historic event. Therefore, applications for capital projects that commemorate this significant anniversary and that help to promote community engagement continued to be particularly welcome.
22. Applications from partnerships of voluntary and community organisations seeking to deliver countywide activities / projects were also encouraged.

Applications Received and Assessment Process

23. A refreshed, robust application form and assessment process was designed and implemented which involved:
 - a) Training all assessors, moderators and business support colleagues.
 - b) Contacting applicants as appropriate to gather missing information and / or to clarify the information provided in the application form.
 - c) Carefully reviewing each application against the published criteria.
 - d) Moderating a sample of applications to ensure consistency of assessment approach.
 - e) A review of all applications by the Team Manager, Communities.
24. The following factors were also considered as part of the recommendation process:
 - a) Whether or not the organisation has previously received capital and / or revenue funding from the 2018-21 Local Improvement Scheme;
 - b) The number of applications submitted by each organisation, the financial cost and potential benefit / impact of each application;
 - c) The proportion of match funding confirmed.
25. For applications that have been recommended, the recommended funding may be less than the amount requested. For those unsuccessful applications (subject to the availability of resources), the Communities Team will endeavour to offer practical support and / or signposting.

The Recommended Applications

26. There are 70 applications recommended in principle, totalling up to £432,054. Applications are recommended from all seven Nottinghamshire County Districts. Appendix 1 to this report lists the recommended applications and includes:
- The name of the organisation
 - Summary of the project / asset
 - The amount of confirmed additional (match) funding
 - The recommended amount
27. There are some applications still being assessed to establish whether they meet the criteria and match-funding requirements. Those that are found to do so will be recommended in principle at the next available meeting of this committee.
28. Approved awards would normally have 12 months, within the financial year to complete their projects, given the pause in approving awards for 2020/21 it is recommended that successful applicants are given until December 2021.

Terms and Conditions for Approved Applications

29. Approved projects will be subject to the terms and conditions of the Local Improvement Scheme Agreement (Deed), which has been drafted in consultation with Legal Services. Therefore, in summary, organisations must:
- a) Satisfy governance requirements (e.g. where appropriate, provide a copy of their governing document and a copy of written confirmation that any required planning permission has been granted).
 - b) Provide the requested supporting information as appropriate to the project (such as approval from Highways for gateway signs, for example).
 - c) Confirm match funding as relevant to the proposed project in order to fulfil the terms and conditions of the Agreement.
 - d) Agree to follow the Council's publicity guidance and agree to cooperate with publicity requests to promote and celebrate how the Council funding, through the Local Improvement Scheme, is contributing to the Council priorities. Note that publicity plans and guidance may change in response to COVID-19 regulations and as advised by the Corporate Communications and Marketing department
 - e) Agree to submit a photograph of the asset in situ and provide invoices / receipts to confirm the actual amount spent on completion of the project. The Council reserves the right to adjust the final payment or to request a reimbursement if the actual amount spent is less than the amount awarded, as stated in the funding Agreement (Deed).

Other Options Considered

30. All the applications received have undergone the Council's rigorous assessment and moderation process.

Reason/s for Recommendation/s

31. The applications recommended for funding as listed in Appendix 1 to this report meet the published criteria and priorities for the Local Improvement Scheme Capital fund 2020-21 and therefore these projects contribute to the wider strategic priorities of the County Council. The recommended applications cover all Nottinghamshire districts and have the support of a Nottinghamshire County Councillor.
32. The Council is accountable for public funds and therefore the requirement for organisations awarded funding to comply with the Local Improvement Scheme Agreement (Deed) will help to:
- Ensure that the Council is managing the Fund in line with good governance advice and arrangements.
 - Provide a reference point for both parties.
 - Meet key stakeholder requirements.

Statutory and Policy Implications

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

Data Protection and Information Governance

34. The Local Improvement Scheme Capital Fund 2020-21 has been administered in line with the General Data Protection Regulation (GDPR). The Nottinghamshire County Council Local Improvement Scheme Privacy Notice (as published on the Council's website), explains how the Council uses information about grant applicants and how we protect their privacy. All applicants were asked to confirm that they have read and accept the Local Improvement Scheme Privacy Notice and this requirement is reiterated in the funding Agreement (Deed).

Financial Implications

35. The cost of funding these recommendations is £432,054.

Public Sector Equality Duty implications

36. The Council has taken steps to advance equality of opportunity, for example by encouraging Countywide participation through the Communications Strategy.

Safeguarding of Children and Adults at Risk Implications

37. Organisations in receipt of Local Improvement Scheme Funding are required to adhere to the terms and conditions of the funding Agreement (Deed), which includes a provision for safeguarding.

Implications for Service Users

38. Nottinghamshire residents across all Districts will benefit from the various capital projects for at least three years.

Implications for Sustainability and the Environment

39. A criteria for Local Improvement Scheme capital funding is that assets be available for public use and or leave a legacy for at least three years after the asset has been purchased and installed.

RECOMMENDATION/S

It is recommended that:

- 1) Members approve in principle the capital funding for the projects as stated in appendix 1 to this report for all 70 organisations.
- 2) Approved projects are subject to the terms and conditions of the Local Improvement Scheme Agreement (Deed) which has been drafted in consultation with Legal Services.
- 3) Organisations awarded Capital Funding 2020 to 2021 have until 31 December 2021 to complete their project and that this is reflected in the funding Agreement (Deed).
- 4) The Council offers practical support and / or signposting through the Communities Team in proportion to the availability of resources, to organisations that have not been successful with their application.

Derek Higton
Service Director, Place & Communities

For any enquiries about this report please contact: Cathy Harvey, Team Manager, Communities, T: 0115 97 73415

Constitutional Comments (AK 05/10/2020)

40. The report falls within the remit of Communities and Place Committee under its terms of reference.

Financial Comments [GB 02/10/20]

The funding to support the 2020/21 Local Improvement Scheme is already approved within the Communities and Place capital programme and expenditure against this budget will be monitored through the usual capital forecasting process

Background Papers and Published Documents

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

- 'None'

Electoral Division(s) and Member(s) Affected

- 'All'

Appendix 1: Recommended Projects - Local Improvement Scheme Capital 2020-21

Organisation	Project summary	Match funding	Amount recommended
1st Balderton Scout Group	To install an access ramp into the Scout Hall, provide a disabled toilet and modernise the ladies toilets.	£10,011	£3,000
Aurora Wellbeing Centres	A multi-use social space that is accessible to all and broadens access to wider audiences.	£3,464	£3,464
Awsorth Youth and Community Centre	To provide new unisex disabled toilets and improve heating and energy efficiency by replacing windows and doors.	£14,645	£13,675
Balderton Parish Council	New playground equipment.	£5,225	£5,225
Barnby Moor Parish Council	To build a Petanque (Boule) Court on the Village Playing Field and name it as a legacy to the Mayflower Pilgrims / William Brewster etc.	£2,375	£2,375
Bilsthorpe Parish Council	To create two outdoor gym facilities alongside existing play areas.	£20,000	£20,000
Bleasby Parish Council	The reinstatement of verges and road edge along a part of Gypsy Lane, and improvements to the bus stop at the entrance to Orchard Close.	£5,500	£5,500
Blidworth Parish Council	To install secure fencing, a new children's play area, skate park, football pitches, designated dog walking areas, lighting, CCTV and outdoor gym equipment.	£52,500	£30,000
Calverton Parish Council	To purchase and install village gateway signs, village hall signs and information boards.	£9,000	£9,000
Caunton Parish Council	To install a village gateway sign.	£ 400	£2,435

Organisation	Project summary	Match funding	Amount recommended
Clipstone Miners Welfare Community Trust	To install a fully accessible toilet, wider doors and ramps for fire exits and the main door.	£8,500	£8,288
Collingham Football Club	The erection of a single story education and sports recreation building for the club and community.	£10,000	£10,000
Community Garden Project	To design and develop an inclusive green space in Ollerton for the local people to grow vegetables and fruit as a community activity.	£2,490	£1,700
Dukeries Community Workshop	To purchase a glass kiln for art workshops.	£1,765	£1,765
Edwinstowe Village Hall Management Association	To replace public toilets in the village hall.	£13,500	£13,500
Everton Parish Council	To install WiFi infrastructure and CCTV cameras across the village hall and recreation ground sports building.	£3,100	£3,100
Goodwin Hall Management Committee	To install a new roof on the main hall and kitchen, and new sun lounge window panels.	£8,400	£8,000
Gunthorpe Village Hall & Sports Field	Reconfiguration of the village hall toilet facility layout, improved heating, lighting and hot water.	£10,500	£10,500
Halam Parish Council	The purchase and installation of four gateway signs.	£4,686	£4,686
Harworth Colliery FC	Improvements to the football pitch.	£6,600	£6,600
Headon-cum-Upton, Grove and Stokeham Parish Council	To replace four glazed information boards.	£2,280	£2,280

Organisation	Project summary	Match funding	Amount recommended
Headon-cum-Upton, Grove and Stokeham Parish Council	To install two new village gateway signs at the village of Grove.	£3,680	£3,680
Holme Pierrepont & Gamston Parish Council	To install a new all-weather surface for multi-user games area at Ambleside Play Park, Gamston.	£16,000	£10,000
Huthwaite Hub	To improve facilities and purchase new equipment for the Hub's workshop.	£ 952	£ 953
Imagine Artsdem Broxtowe CIC, trading as The Studio at Padge Road	Improvements to the external appearance of The Studio and erection of a sign so that it can be found more easily. Also, to improve the technology used with clients.	£1,083	£1,083
Inspire: Culture Learning and Libraries	Install interior directional and Braille signage for The Old Library in Mansfield to improve access into and within the building for disabled people.	£3,687	£3,687
Inspire: Culture, Learning and Libraries	Improved accessibility to Mansfield Central Library (MCL) Auditorium for customers specifically those with Dementia and older people by reconfiguring the front row and adding shallow steps and grab rails to row 2. Also the purchase of pop up cinema equipment to expand the film screening offer to other county libraries.	£4,382	£4,382
Inspire: Culture, Learning and Libraries	To convert the grounds of Skegby Library into a wildflower meadow to provide a natural habitat for birds and insects, including bees and butterflies.	£1,046	£1,046
Inspire: Culture, Learning and Libraries	To create an accessible and inclusive community garden at the rear of Kirkby Library - to improve health and well being and engage volunteers.	£13,313	£13,313

Organisation	Project summary	Match funding	Amount recommended
John Godber Centre	To replace 300 chairs, purchase 400 linking clips for the chairs, and 30 tables.	£7,672	£7,673
Keyvolution	The conversion of the second area of former changing rooms into a comfortable, accessible space to carry out community activities.	£8,000	£3,500
Keyworth Bowls Club	Installation of new banks, ditches and a sprinkler system.	£20,000	£20,000
Keyworth Parish Council	To create a Peace Garden located within the boundary of the Rectory Field.	£4,825	£4,825
Kingsway Hall Management Trust	To replace kitchen white goods used at the lunch club.	£1,416	£1,416
Kirton Parish Council	To purchase and install play area fencing.	£1,263	£1,262
Laneham Memorial Hall	The purchase of equipment to run a monthly cinema night at the village hall.	£3,800	£3,800
Lowdham Parish Council	Two village gateway signs, a notice board and a sign on Lowdham Community Building.	£3,350	£3,350
Mansfield Lawn Tennis Club Ltd	To purchase and install secure fencing and erect directional signs.	£7,134	£6,207
Normanton-on-the-Wolds Parish Council	Two flower planters to be located in the region of the village signs.	£5,000	£5,000
North & South Wheatley Parish Council	A village gateway sign.	£1,295	£1,290
Norton And Cuckney Parish Council	To purchase and install accessible play equipment in the Cuckney play area.	£1,420	£1,420

Organisation	Project summary	Match funding	Amount recommended
Nottinghamshire Beekeepers Association	To install compost toilet facilities for the new Hucknall teaching apiary.	£1,004	£1,000
Nottinghamshire Federation of Young Farmers Clubs	Renovation of the building to improve accessibility, provide toilets, install a kitchen and seating area, and create an office space and training room.	£3,170	£3,170
Nottinghamshire Wildlife Trust	To improve visitor accessibility at Idle Valley Nature Reserve.	£16,000	£16,000
Nuthall Parish Council	To install accessible steps and a handrail leading to the war memorial on the Basil Russell Playing Field.	£4,557	£3,006
Ordsall Bridon Cricket Club	To purchase a new wicket roller.	£2,524	£1,000
Ranskill Parish Council	To install a new, inclusive roundabout with associated safety surface at Ranskill Park.	£4,488	£4,488
Retford Cricket Club	To improve the pavilion facilities.	£7,675	£7,675
Ruddington Framework Knitters Museum Ltd	Making green / horticultural improvements to a publicly-accessible garden.	£12,730	£10,000
South Scarle Parish Meeting	To purchase and install two gateway signs into South Scarle.	£3,285	£3,285
Southwell City Football Club	To renovate the clubhouse, including replacing the door and windows with a new door and bi-fold doors to improve accessibility.	£6,155	£6,155
Southwell Town Council	To purchase and install a tourist information sign and lockable notice board.	£2,016	£2,000
St Albans Parish Council	The purchase and installation of a parish noticeboard.	£1,555	£1,554

Organisation	Project summary	Match funding	Amount recommended
Stapleford Town Council	To purchase three notice boards, paint existing street furniture and install hanging baskets in Stapleford.	£7,800	£7,800
Sutton Bonington Village Hall Committee	To improve community access and use for all users by updating and refurbishing the Village Hall's rear entrance and Committee Room.	£13,000	£3,500
Sutton cum Lound Village Hall	To replace an old, wooden, broken-down fence with new Triton Palace fencing.	£4,500	£4,500
Sutton on Trent Parish Council	The installation of new playground equipment and a picnic table for the designated play area within the village.	£1,900	£1,935
Sutton Youth Radio Ltd	To purchase a new mixing desk for the radio station's broadcasting studio.	£2,500	£2,500
The Friends of Newstead & Annesley Country Park Group	The purchase of a metal container to store maintenance equipment.	£1,800	£1,765
Thrumpton Village Hall	To install a galvanised steel fabricated ramp for the rear exit of the Village Hall (via the kitchen) to improve safety and access.	£1,250	£1,250
Thurgarton Parish Council	Improvement of the Village Hall toilets to make them more environmentally friendly.	£3,800	£3,800
Tollerton Parish Council	To purchase and install new playground equipment to replace the currently rotting equipment.	£5,131	£5,131
Torworth Parish Council	The installation of an electrical mains supply to the village playing field.	£1,859	£1,859
Torworth Playing Field Committee	The installation of a new playground perimeter fence.	£2,548	£2,548

Organisation	Project summary	Match funding	Amount recommended
Town Estate	To install a commemorative bench in the historic Pinfold and plant 20 commemorative trees in public village spaces, to celebrate the Pilgrim Fathers.	£2,281	£1,869
Trent Vale Community Sports Association	The redevelopment of the derelict clubhouse to provide changing rooms, toilets, kitchen and a large function room. The funding will support the development of the Community Room.	£541,656	£30,000
Tuxford Town Council	To purchase new playground equipment.	£6,783	£6,784
Wellow St Swithin's Church Schoolroom Trustees	To restore Wellow Church Schoolroom's west boundary wall.	£1,500	£4,500
West Bridgford Tennis Club	Replacement of the existing court lighting with LED technology.	£30,000	£27,500
Wysall and Thorpe in the Glebe Parish Council	The purchase and installation of a new notice board.	£ 623	£2,500

5 November 2020**Agenda Item:7****REPORT OF THE CORPORATE DIRECTOR, PLACE****PAVEMENT PARKING: OPTIONS FOR CHANGE – CONSULTATION****Purpose of the Report**

1. To consider the Council's response to the 'Pavement Parking: Options for Change' open consultation, which seeks opinions on proposals to reduce the problems caused by parking on pavements. This report provides a summary of the key proposals contained in the consultation document. The Council's draft response is attached at Appendix A.

Information

2. Although the 'pavement' is defined as the 'footway' in legislation, the more commonly used term 'pavement' is used in the consultation process to mean the part of a highway which shares its border with the carriageway ('road') on which there is a public right of way on foot. This is distinct from a 'footpath', which does not border a road.
3. The consultation period began on 31 August and will run until November 2020. Full details can be viewed at <https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change>
4. Addressing the issue of pavement parking fits into the government's '**Inclusive Transport Strategy: achieving equal access for disabled people**', published in July 2018, which aims to create a transport system that provides equal access for disabled people by 2030, with assistance if physical infrastructure remains a barrier. Disabled people will be able to travel confidently, easily and without extra cost. Progress continues to be made in delivering our commitments in the strategy, including on pavement parking.
5. Irrespective of whether pavement parking is deemed to have become necessary in some locations, there are inherent dangers for all pedestrians; being forced onto the carriageway and into the flow of traffic. This is particularly difficult for people with sight or mobility impairments, and those with prams or buggies. While resulting damage to the pavement and verges is, uppermost, a trip hazard, maintenance and personal injury claims are also a cost to the authority.
6. However, it is also important to recognise that just as many roads within the county were not designed to accommodate today's high traffic levels, many older homes were not built with today's high level of car ownership in. As such at some locations, especially in residential areas with narrow roads and no driveways, drivers consider that the pavement is the only place to park without obstructing the carriageway.

7. In England (except for Greater London) parking on pavements and verges is generally tolerated unless specifically prohibited by a local authority (either street-by-street or zonally); the prohibition requiring a formal Traffic Regulation Order (TRO). The DfT is currently running a project looking at how the TRO legislative framework can be improved, to make TROs easier to implement, including for pavement parking.
8. To further develop its understanding of the pavement parking problem, the DfT is seeking views on:
- whether its ongoing work (Option 1), explained in more detail below, to improve the TRO process, under which local authorities can already prohibit pavement parking, is sufficient and proportionate to tackle pavement parking where it is a problem; or if not:
 - which of 2 specific options are preferred. These were identified in the department's review of the pavement parking problem, and echoed by the Transport Committee; are aimed at providing better tools for local authorities. These options, explained in more detail in this consultation document, are:
 - legislative change to allow local authorities with civil parking enforcement (CPE) powers to enforce against 'unnecessary obstruction of the pavement' (**Option 2**), or:
 - legislative change to introduce a London-style pavement parking prohibition throughout England (**Option 3**).
 - any alternative proposals you may have for managing pavement parking
9. The DfT recognises that there are pros and cons for each of the options, and responses on each will inform how this issue should be addressed.

Current Parking Laws

10. The [Traffic Management Act 2004 \(TMA\)](#) places a network management duty on local authorities to manage their road network to reduce congestion and disruption. The TMA also provides specific powers for parking enforcement to be undertaken by local authorities rather than the police. Local authorities have powers under Part I of the [Road Traffic Regulation Act 1984 \(RTRA\)](#) to set restrictions or exemptions relating to parking within specific areas via the use of TROs.
11. Local authorities can use a TRO to create local road traffic measures; for example, yellow line parking restrictions, 'no entry', 'no left turn' / 'no right turn' on roads for which they are responsible for managing. These measures can be applied to specific locations or larger areas. They can apply at all times or during specific time periods and can exempt certain classes of traffic. Under RTRA Sections 4 and 6, the conditions of a TRO are indicated to the road user by traffic signs and/or road markings, either prescribed by regulations (currently the [Traffic Signs Regulations and General Directions 2016 as amended](#)) or specially authorised by the Secretary of State.

Civil Parking Enforcement

12. Part 6 of the TMA allows most types of parking contraventions to be enforced by local authorities as a civil matter, instead of as a criminal matter by the police. Local authorities are not forced to do so, but they may choose to take on these CPE powers by applying to the Secretary of State for the power to enforce parking restrictions within geographical local areas.

NCC were granted such CPE powers in May 2008. Parking offences are no longer criminal in such areas and so:

- enforcement ceases to be the responsibility of the police and becomes the responsibility of the local authority
- Civil Enforcement Officers (CEOs) instead of 'traffic wardens' place Penalty Charge Notices (PCNs) on offending vehicles
- the penalty charges are civil debts, due to the local authority and enforceable through a streamlined version of the normal civil debt recovery processes
- motorists wishing to contest the validity of a PCN may make representations to the local authority. If rejected, they may then appeal to independent adjudicators, whose decision is final (meaning there is no right of further appeal through the courts)
- the local authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems. Any surpluses must be used for limited prescribed purposes only.

13. Endorsable parking offences, like those involving dangerous parking (where a driver's licence can be endorsed with penalty points), remain criminal and can only be enforced by the police. Stopping offences at pedestrian crossings may be enforced by the police or the local authority, but police action takes precedence.

14. Currently, 96% of local authorities in England have acquired CPE powers. Elsewhere, all parking offences remain subject to criminal law and enforceable by the police. Furthermore, on trunk roads and motorways, the police are responsible for enforcing traffic regulations, so illegal parking on these roads is a criminal offence.

Current Powers to Tackle Pavement Parking

15. Local authorities in England (outside London) can issue a FPN to enforce pavement parking only where:

- vehicles are parked in contravention of existing waiting restrictions (for example yellow lines, which also apply to the verge and the pavement)
- a designated prohibition has been implemented through a TRO and prescribed, or authorised, traffic signs and bay markings; or
- the vehicle parked is a 'heavy commercial vehicle' with an operating weight of over 7.5 tonnes

Unnecessary Obstruction of the Highway

16. The offence of unnecessary obstruction of the highway, which includes the road as well as the pavement, already exists and has not been decriminalised. There are existing statutes and regulations which allow proceedings to be brought by the police under criminal law for situations where parking on the pavement, in such a way as to cause obstruction, is deemed to be avoidable. These include:

- section 137 of the [Highways Act 1980](#), as amended; for wilfully obstructing the free passage along a highway

- regulation 103 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#) as amended; for causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road
- section 72 of the Highway Act 1835, as amended, for wilfully driving or riding upon the footway

17. Local authorities are currently unable to enforce against obstruction using their civil parking enforcement powers.

Revenue Raised from Parking Enforcement

18. Parking schemes should be self-financing, and the law does not allow local authorities to use parking enforcement schemes for the purpose of raising revenue. Section 55 of the RTRA (as amended) requires that any surplus made on parking enforcement operations is directed towards the costs, incurred by the local authority, of other schemes to improve local transport and environment, including:

- local public transport schemes
- highway or road improvement projects
- improvement measures to reduce environmental pollution

Options Considered in the Consultation

19. **Option 1:** to rely on improvements to the existing TRO system.

- TROs allow local authorities the freedom to decide if and how they wish to restrict or prohibit pavement parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing PCNs.
- The DfT announced in August 2019 that it would be reviewing the legislation associated with TROs. The first stage of this review involved the department developing proposals for legislative change in partnership with a broad range of stakeholders
- These recommendations will be subject to further consultation in 2020; and the scope of legislative change, and whether change will require primary and/or secondary legislation, will require careful consideration in light of the consultation findings.

20. **Option 2:** to allow local authorities with Civil Parking Enforcement powers to enforce against 'unnecessary obstruction of the pavement'

- The offence of unnecessary obstruction of the highway, i.e. the road, verges, pavement, bridleways, and so on, already exists; although this is only enforceable by the police as a criminal matter.
- Option 2 proposes to allow local authorities with CPE powers to enforce unnecessary obstructions as a civil matter, by issuing Penalty Charge Notices to vehicles found to be causing an 'unnecessary obstruction of the pavement'. This would enable Civil Enforcement Officers to address instances of unnecessarily obstructive pavement parking as and when they find it, without the need to prohibit it nationally. The

guidelines contained in the [Civil Enforcement of Parking Contraventions \(Guidelines on Levels of Charges\) \(England\) Order 2007](#) provide for the higher PCN charge level of £70 for pavement parking.

- This option would include exceptions, for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes or longer if the authority permits it). (Refer to Annex B for the full list of exempted vehicles).
- Whilst the DfT stated that it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, it is not proposed by them to exempt Blue Badge holders, or any businesses not concerned with deliveries. The aim of the policy is stated as being to keep the pavement free of obstruction as far as possible; and the DfT considers that other exemptions may defeat this objective.
- It is acknowledged by the DfT that the concept of ‘unnecessary obstruction’ is inherently vague. To help mitigate this, the DfT suggest that it could be recommended in guidance to local authorities that their schemes provide for the use of warning notices on the first occasion an individual vehicle is identified as causing an obstruction.

21. Option 2 Advantages

- Would enable local authorities to issue PCNs to vehicles which are deemed to be causing an unnecessary obstruction of the pavement, without the need to prohibit pavement parking nationally.
- The secondary legislation required could be implemented relatively quickly. Pavement parking would not become an offence in all cases, so local authorities would not need to carry out costly and time-consuming audits of their road networks; nor would it be necessary to place traffic signs and bay markings to indicate where pavement parking would still be permitted.
- Enforcement against this offence would be more targeted than a general prohibition of pavement parking. Local authorities would be able to penalise pavement parking where the pavement has clearly been blocked unnecessarily.

22. Option 2 Disadvantages

- ‘Unnecessary obstruction’ is difficult to define, potentially vulnerable to misinterpretation and would require detailed assessment in each case.
- Unlike most other parking offences, there would be no traffic signs or bay markings informing motorists of local regulations: ‘obstruction’ is a general offence that may occur anywhere so it cannot be indicated by traffic signs or bay markings.
- If this option was pursued, secondary legislation and/or guidance would be needed to clarify the definition of an ‘unnecessary obstruction of the pavement’ in order to prevent inappropriate and inconsistent enforcement.

23. Option 3: a national pavement parking prohibition

- This option would require changes to primary legislation and **would prohibit pavement parking by default**, except at locations where local authorities decide to allow it.
- Local authorities would be expected to decide where pavement parking remained necessary and to introduce the necessary exemptions and to place traffic signs and bay markings to indicate where pavement parking is permitted.
- The legislation would include exceptions to the prohibition for certain vehicles including breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods. There would be no exemptions for Blue Badge holders.

24. Option 3 Advantages

- This option would establish a general rule against pavement parking except where there is specific permission for it. It is proposed that this would mirror the London pavement prohibition; with exemptions in place at many locations.
- Motorists would benefit from a consistent rule: 'you must not park on a pavement except where signs permit'. Traffic signs and bay markings would show drivers where pavement parking was still allowed.
- Local authorities could introduce exemptions to permit pavement parking by the simpler means of administrative resolution instead of promoting TROs to prohibit pavement parking. This is because the default position is an enforceable pavement parking prohibition whereas the exemption is a simple 'permission' that requires signing but no enforcement.
- This approach would foster active management of pavement space. It would require local authorities to decide where vehicles should have priority over pedestrians and vice versa.

25. Option 3 Disadvantages

- A national pavement parking prohibition would be the most significant change to English parking law in several decades, and the authority would need to undertake a substantial amount of work to prepare for it.
- In many areas some element of pavement parking is currently considered essential, so the DfT acknowledge that it should continue to be allowed where this is the case. Therefore, the authority would need to survey their road network, identify areas where pavement parking is routine, determine where it remains necessary, pass resolutions to permit it, and place traffic signs and bay markings to inform drivers where pavement parking is still permitted.
- It is likely that the introduction of a national prohibition would need a significant implementation period. This process of identifying and implementing exemptions could be time consuming and expensive. Local authorities have indicated to the DfT that the

scale of this task should not be underestimated. It is not known how many streets would need to be exempted from a national prohibition, nor how many streets may need to be exempted in any single town or city. One authority has estimated the cost at around **£670,000**. Some authorities the DfT talked to stated that they depend on pavement parking to preserve traffic flow in terraced areas and believe they would need to exempt large residential areas from the prohibition.

- Currently, pavement parking is partly self-regulating and fluctuates in response to spikes of parking demand, such as community events, local festivals, etc. By restricting pavement parking only to those areas indicated by traffic signs and bay markings, this option would fix the provision of pavement parking at a relatively static level. The local authority may authorise enough pavement parking bays for residents, but not enough to accommodate an unknown level of visitors.
- A national prohibition might be inappropriate in rural areas, such as country roads where pavement parking may be safer. It would be difficult to comprehensively assess all rural settings and may be disproportionate to direct resources to place traffic signs on quiet country roads. There is also a greater dependence on private transport in rural areas. Suburban areas may also face specific challenges.
- The implementation of a national prohibition would also be particularly difficult in environmentally sensitive areas, such as historic towns and villages, where there is likely to be strong resistance to placing of traffic signs and bay markings to indicate where parking is permitted. Moreover, reducing traffic sign clutter was a key aim of the DfT's traffic signs policy review, and a major update to the regulations² governing the appearance and use of traffic signs included a number of changes to facilitate this.

Summary: Preferred Option

26. Officers consider that **Option 2** is the preferred option for the following reasons;

- It would grant the authority additional powers to enforce against unnecessary obstruction of the pavement.
- It would allow the authority the flexibility to target specific areas rather than having to enforce across the whole road network.
- The legislation required could be implemented quickly.
- Unlike Option 3, it would not require the authority to audit its entire road network and to place signs and markings where pavement parking is permitted.

Other Options Considered

27. Not to respond to the consultation. The Council would not have the opportunity to comment on proposals that would affect the delivery of its services.

Reason/s for Recommendation/s

28. In order that a response to the consultation is made on behalf of the Council and has been approved by Members.

Statutory and Policy Implications

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

RECOMMENDATION/S

- 1) That the response to the Pavement Parking Consultation as set out in Appendix A be approved.

Derek Highton
Service Director, Place and Communities

For any enquiries about this report please contact: Gary Wood, Group Manager Highways & Transport, Nottinghamshire County Council, T: 0115 9774270, E: gary.wood@nottscc.gov.uk

Constitutional Comments (SJE 25/09/2020)

30. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the approval of consultation responses regarding the Authority's functions relating to traffic management has been delegated.

Financial Comments (RWK 28/09/2020)

31. There are no specific financial implications arising directly from the report. Any financial implications that arise as a consequence of changes in pavement parking policy and enforcement following the consultation will be the subject of future reports to committee.

Background Papers and Published Documents

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

- None

Electoral Division(s) and Member(s) Affected

- All

Appendix A

NCC Response to the Pavement Parking: Options for Change Consultation

(Note that some questions have been omitted as they are targeted at individuals and other organisations rather than local authorities)

Q6: Do you think vehicles parked on the pavement is a problem in your area?

- Yes
- No
- Don't know

NCC Response: Yes

Q7: Do you prefer:

- option 1?
- option 2?
- option 3?
- an alternative option? (please describe it)

NCC Response: option 2

Option 2 - to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'

Q8: How would you define an 'unnecessary obstruction of the pavement'?

NCC Response: As indicated in the consultation proposals, a precise definition of 'unnecessary obstruction' is very difficult to achieve. It is hoped that national guidance will be available to assist local authorities with this. A scenario-based guidance document would particularly helpful. There is a substantial body of existing case law regarding the definition of 'obstruction' already. This not only provides a ready resource of a definition for enforcement for obstruction but also indicates that a new qualified term such as 'unnecessary obstruction' could be the subject of considerable legal challenge before a definition which can robustly be used for enforcement is identified.

Q9: Do you think a warning notice should be given for first-time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes
- No
- Don't know

NCC Response: Yes

Q10: What do you think are the advantages and disadvantages associated with Option 2?

NCC Response:

Advantages

- Would be relatively simple the authority to implement
- Hopefully, it would have little economic impact on local authorities
- Allows the local authority the flexibility to penalise individual cases of pavement parking where the pavement has clearly been blocked without having to implement a blanket ban

Disadvantages

- The term 'unnecessary obstruction' is open to interpretation. This could result in widescale challenges of penalty charges issued by the authority.
- Possible inconsistency in the interpretation of the enforcement powers across different local authorities.

Option 3 - England-wide pavement parking prohibition

Q11: Do you think a national prohibition should apply:

- on no roads (since you are against the proposal)?
- on all public roads within the country?
- only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities); or
- in an alternative way of your description? (please describe)

NCC Response: on no roads (since we are against the proposal)

Q12: Should a national prohibition apply to:

- pavements only?
- pavements and verges?

NCC Response: pavements and verges

Q13: What are your views on the impact this would have on the built and historic environment?

NCC Response: Overall, we consider that the implementation of Option 3 would have a negative impact on the built and historic environment. This is because;

- Streets to be exempt from pavement parking restrictions would need to be identified with signs and markings. This would introduce additional street clutter (something we are trying to reduce)

Q14: What do you think are the advantages and disadvantages of Option 3:

- for rural areas including villages?
- for suburban areas?
- for town and city centres?
- overall?

NCC Response:

Advantages

- Implementation of this option would be successful in freeing up pavement space and so would benefit pedestrians - particularly people with mobility issues, visual impairments and those using prams and pushchairs. These benefits would stretch across many locations but would be particularly helpful within suburban areas and towns & cities.

Disadvantages

- Would require a huge amount of additional work for the authority to implement. This would include a survey of our entire road network to determine areas where pavement parking will be permitted.
- Unless additional funding was made available, the potential cost of implementation would put a strain on existing budgets.
- Installing additional traffic signs (to show areas exempt from the national parking prohibition) would contribute to additional street clutter in urban areas.
- Implementation on rural roads would be particularly onerous and disproportionate to the parking issues we currently experience in many of these areas.

Q:15 Do you believe Option 2 or Option 3 would have an impact on the environment?

Option 2

- Yes
- No
- Don't know

Option 3

- Yes
- No
- Don't know

If answering "Yes" to an option, please explain the impact you think will occur and whether it is positive or negative.

NCC Response:

Option 2: No

Option 3: No

Q16: For both options 2 and 3, we propose exceptions for those vehicles listed in Annex B. (The final listed exception applies to option 3 only.)

- What, if any, other additional vehicles or services would you like to exempt and why?

NCC Response: None

Questions on the equality duty

Q17: In respect of people who share any of the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion/belief
- sex
- sexual orientation

Please describe any negative impacts that the options in this document might have on these objectives:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

Please clearly identify the specific consultation option, the protected characteristic affected, which objective is affected and the nature of any negative impact.

NCC Response:

- Options 2 and 3 may negatively impact people with disabilities (blue badge holders). This group may be reliant on pavement parking and, in some circumstances, will be disproportionately affected by restrictions to pavement parking in certain areas. It is noted that blue badge holders will not be exempt from the restrictions. It is anticipated that Option 3 would have a more severe impact on this group than Option 2.

Q25: Are you representing a council?

- Yes
- No

NCC Response: Yes

Q26: Has your authority introduced a TRO, or TROs, to implement pavement parking restrictions?

- Yes
- Don't know
- No

If you answered 'No', why not?

If you answered 'Yes': * How many has your authority introduced in each of the last 10 years? * Typically, how long does a TRO take for you to put into place (in weeks)? * What was the average monetary cost (to the nearest £) of introducing a single TRO? (please breakdown costs e.g. administration, legal, advertising, traffic sign purchase / installation & road marking creation).

NCC Response: No. This is because;

- They would be costly and time consuming to implement
- They could prove to be controversial
- In many instances existing parking restrictions (e.g. double yellow lines) already apply to the footway (pavement) as well as the carriageway.

Q27: Could you please provide where possible, for each of the 5 years 2015-2019, figures or estimates (please specify which) for your local authority:

- the number of injury claims made to your local authority
- the number of injury claims made due to pavement parking
- the number of injury claims for which compensation was paid
- the number of injury claims made due to pavement parking for which compensation was paid
- the total compensation paid for injury claims

- the total compensation paid due to pavement parking

NCC Response:

- the number of injury claims made: 672
- the number of injury claims made due to pavement parking: no data available
- the number of injury claims for which compensation was paid: 118
- the number of injury claims made due to pavement parking for which compensation was paid: no data available
- the total compensation paid for injury claims: £1,024,644
- the total compensation paid due to pavement parking: no data available

Q28: What was the:

- total spend on pavement repairs for each of the 5 years 2015 to 2019?
- the percentage of this total spend due to pavement parking: for each of the 5 years 2015 to 2019?

NCC Response:

- total spend on pavement repairs for each of the 5 years 2015 to 2019:

Year	Actuals Inc. Fees	Data Source
2015/16	£827,528	NCC APSE Figure
2016/17	£918,118	NCC APSE Figure
2017/18	£915,582	NCC APSE Figure
2018/19	£1,379,206	NCC Figure
2019/20	£1,086,534	Via Figure

- We have no data available on the percentage of this total spend due to pavement parking

Option 2

Q29: If your council has civil enforcement powers and was permitted to enforce the offence of ‘unnecessary obstruction’, would your council elect to do this?

- Yes
- No
- Don’t know

NCC Response: Yes

Q30: If you answered “Yes” or “Don’t know”, what number of staff, in your authority, would need to learn the new enforcement guidance?

NCC Response: Approximately 50

Q31: Can you foresee any additional, unfunded costs outside of the normal issuing and processing of PCNs?

- Yes
- No
- Don't know

NCC Response: Yes. The issuing of PCNs for pavement parking will potentially be contentious as we attempt to address parking issues that are long-established. Consequently, a process of awareness through publicity, local consultation and warning notices would be recommended. This will incur a cost above the normal issuing and processing of PCNs that are largely met by PCN income.

Q32: What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

NCC Response: The costs will be predominantly in staff time and, because of the number of variants, it is not possible to provide a meaningful estimate at this stage. As a unit cost, it is estimated that a 'warning' PCN (i.e. issued with zero charge) costs the Authority approximately £10 in administrative costs.

Option 3

Q33: In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- in kilometres
- as a percentage of the total road length

NCC Response: We have no data available to answer this question.

Q34: What do you expect an assessment of your road network, to identify exemptions, to cost overall and how do the costs break down individually (£)?

NCC Response: We have no data available to answer this question.

Q35: Would your authority need to provide more parking provision to implement option 3?

- Yes
- No
- Don't know

NCC Response: Don't know

Q36: Please provide an estimate of the cost of implementing exemptions in your area, including:

- staff costs
- traffic signing costs
- bay marking costs
- removal of traffic signing for previously implemented TROs restricting pavement parking in your area

NCC Response: We do not have data available that will allow us to estimate the extents of required exemptions across the county. However, we expect the cost to the authority would be in excess of £1million.

Q37: Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

- Yes
- No
- Don't know
- **NCC Response:** Yes

Q38: Give an explanation and breakdown of the number of additional:

- staff for your local authority?
- salary costs for your local authority?
- hiring costs for your local authority?
- training costs for your local authority?

NCC Response: The costs will be predominantly in staff time and, because of the number of variants, it is not possible to provide a meaningful estimate at this stage. As a unit cost, it is estimated that a 'warning' PCN (i.e. issued with zero charge) costs the Authority approximately £10 in administrative costs. It is though unlikely that any additional staff will be required; the existing Civil Enforcement Officers would simply add the extra contravention into their hand-held computers and be trained to recognise a contravention. NCC does not expect that in either Option 2 or 3 that many actual PCNs will need to be issued.

Q39: What additional staff roles do you envisage?

NCC Response: None beyond the existing CEOs and supporting back office.

Q40: Do you expect any other, non-staff, costs to arise from a national pavement parking prohibition?

- Yes
- No
- Don't know

NCC Response: Don't know

Q41: What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

NCC Response: N/A

Q42: What potential benefits, if any, do you think there will be for your authority from a national pavement parking prohibition (such as existing costs being reduced)? Provide any monetary benefit where possible.

NCC Response: We recognise that pavement parking can create significant problems for those with mobility issues so any improvement to this should benefit these users. However, with our diverse and extensive road network we feel that Option 2 provides those potential benefits without the significant problems that Option 3 would introduce.

Q43: The government is looking to local authorities to introduce more cycle facilities to encourage active travel. Do you think this will cause issues for a national pavement parking prohibition?

- Yes
- No
- Don't know?

If you answered "Yes", please describe the issues.

NCC Response: Yes. The impact on cycle facilities is dependent on the design of the cycle route. We have shared surface routes and segregated routes that do suffer from pavement parking and would therefore benefit from its removal. We also have on-carriageway cycle strips that could be adversely impacted if more vehicles park wholly in the carriageway.

Q44: Do you have any other comments?

NCC Response: NCC fully recognises the problems that pavement parking can create for many highway users and welcomes this consultation and it hopes will lead to legislative change. It does favour Option 2 which it firmly believes will provide all the advantages of improved enforcement without the disadvantages of having to quickly introduce administrative orders to exempt those streets where currently essential carriageway parking would hinder the emergency services and refuse wagons. It also welcomes the intention to introduce national guidance along with Option 2 to ensure consistency between Local Authorities.

Appendix B

Exceptions for certain vehicles in specific circumstances

The table below sets out those vehicles which we propose should not be subject to the prohibition proposed in Option 2 or Option 3.

Vehicle when being used for:

- fire brigade purposes
- police purposes
- parking in accordance with a direction given by a constable
- ambulance purposes
- the provision of, or in connection with, urgent or emergency health care, by a registered medical practitioner, registered nurse or registered midwife
- the purpose of saving life or responding to another similar emergency
- the purpose of providing assistance at an accident or breakdown
- postal services (within the meaning of section 125(1) of the Postal Services Act 2000)
- delivery, collection, loading or unloading of goods to, or from any premises, in the course of business; where this cannot reasonably be carried out without the vehicle being parked on a pavement; and the vehicle is so parked for no longer than is necessary for these purposes, and in any event for no more than a continuous period of 20 minutes
- collection of refuse by, or on behalf of, the local authority
- street cleansing purposes by, or on behalf of, the local authority
- gritting or salting or the clearance of snow by, or on behalf of, the local authority
- road works by, or on behalf of, the local authority
- road maintenance (including street furniture) by, or on behalf of, the local authority
- street works by, or on behalf of, the local authority or statutory undertakers, including utility companies
- to comply with the duty in section 170 of the Road Traffic Act 1988 to stop after an accident

Other situations - in respect of Option 3 only:

- any vehicle authorised by the council to be parked in a specified place at a specified time

5 November 2020**Agenda Item:8****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****UPDATE ON KEY TRADING STANDARDS AND COMMUNITIES MATTERS****Purpose of the Report**

1. To update the Committee on key Trading Standards and Communities matters, including the role the Service continues to play in the County Council's response to the Covid-19 emergency.

Information**TRADING STANDARDS****Response to Covid-19:**

2. **The Health Protection (Coronavirus, Restrictions) England Regulations 2020 (as amended)** - Trading Standards are still working with their Environmental Health colleagues to enforce the legislation and guidance that relates to the closure and restrictions placed on businesses during this emergency period. The emphasis is now on advising businesses to ensure they maintain health & safety conditions to keep employees and customers safe.
3. **The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020-** These new Regulations came into force on 18th July 2020 and as an upper tier local authority, Nottinghamshire County Council has been given powers under these Regulations to give a Direction which imposes prohibitions, requirements or restrictions in relation to individual premises, events and public outdoor places.
4. The Regulations are accompanied by statutory guidance which refers to the granting of '*new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 ("coronavirus") transmission in a local authority's area where this is necessary and proportionate to manage spread of the coronavirus in the local authority's area.*'
5. The County Council must satisfy itself that three conditions are all met before it can give a Direction under the powers referred to above. The conditions are that:
 - (a) There must be a serious and imminent threat to public health in the local authority's area
 - (b) The Direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection
 - (c) The prohibitions, requirements or restrictions imposed are a proportionate means of achieving that purpose.

6. At the time of writing, three closure directions have been made so far in respect of 3 premises. Officers have worked with District Council and Police colleagues to collate the file of evidence for consideration, and have also been supporting the businesses subsequent to the Directions being made to bring them into compliance.
7. Trading Standards also has an enforcement role, in partnership with District and Borough Council colleagues, under the following new Regulations that came into force in September to help trace and stop the spread of coronavirus:
8. **The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020** - Specified hospitality, leisure and community premises are required to display an official NHS QR code poster at their entrance or at the point of service, which visitors can scan when they arrive. If the visitor is unable to scan the QR code, then the premises operator must also request certain details from visitors when they arrive and retain that data securely for 21 days and provide it to public health officials if requested. All designated venues must also keep a record of all staff working on the premises on a given day, the time of their shift, and their contact details.
9. **The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020** - apply to hospitality businesses, for example pubs, restaurants and cafés or any other business which provides food or drink for consumption on its premises. The Regulations make it mandatory for hospitality businesses to not accept bookings for tables for groups of more than six, to ensure that no person in one group mingles with any person in another group and that people are not admitted to the premises in a group of more than six, unless an exemption applies. The Regulations also set out specific rules for appropriate distances between tables.
10. Under the Regulations, the County Council and District and Borough Council officers can issue fixed penalty notices for non-compliance, where appropriate. The fixed penalty is £1000, reducing to £500 if paid within 14 days and increasing to £4,000 for subsequent offences.
11. **Personal Protective Equipment (PPE) Safety** - The supply chain for PPE procured for Council officers and others has now recovered to the extent that Trading Standards has not had to advise on any more recent purchases.
12. **Market Surveillance** - Stage 2 of the Service's market surveillance project is continuing with officers completing inspections on face coverings/PPE and hand sanitiser products being sold on high streets throughout the County. The results to date as at time of writing were as follows with further visits planned at other retail premises across the county:
 - Mansfield: 12 visits, over 1000 masks seized (returned for re-labelling to the shop).
 - Newark: 8 visits, over 200 masks seized that were labelled as "protective" from 1 shop and a national chain has subsequently organised a recall of mislabelled masks.
 - Ashfield: 9 visits with shops again advised about the mislabelling of masks and a small batch of hand sanitiser seized as no EU address was supplied.
 - Gedling: 1 visit, over 400 masks seized that do not comply to EU standards and are illegal to sell in their current state.
13. The project has received excellent media support with an article in the Nottingham Evening Post, a live interview on BBC Radio Nottingham and an interview on BBC East Midlands Today.

14. **Fireworks** - the Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'.
15. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored, 5kg to 250kg, and 251kg to 2000kg.
16. A total of 28 explosives licences have been issued this financial year, with 7 being new applications. In addition to these, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside restricted periods. None of these licences have been issued this financial year yet.
17. In 2019, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 55 inspections, took place across the County, targeting 'high risk', 'medium risk' and new premises. A similar fireworks inspection programme will take place this year and will be undertaken with Covid safety restrictions in place.
18. Inspections look at different aspects of firework storage and sales, including ensuring safe storage, and measures to prevent sales to those under 18, and advice is given to support compliance. A common issue identified is that fireworks are stored adjacent to easily combustible materials. If found, these issues are usually rectified in the Officer's presence.
19. **Animal Health** - Essential work continues to keep the county free from animal disease. Officers accompanied colleagues from the Animal and Plant Health Agency (APHA) on a high risk visit to an animal by products facility. Advice has been given by the APHA vet to improve storage facilities and ensure paperwork is correct.
20. In two separate incidents, 3 dogs have been taken into quarantine since July because their passports did not correctly indicate that their rabies jabs were completed at the correct age. All have been imported from abroad incorrectly and their owners are now having to pay for their quarantine period. There are plans to publicise a warning to the public on purchasing dogs from abroad via social media sources.
21. **Environmental Weight Restrictions (EWRs)** - Work continues to enforce the County's EWRs, on behalf of Highways colleagues, to tackle the problems caused by heavy goods vehicles using inappropriate routes in the county. 20 operations have taken place so far and 214 Community Lorry Watch reports have been processed since 1st April 2020.
22. **Support to Businesses** - The Commercial Services team continue to provide support to Primary Authority businesses to meet the continually evolving challenges that Covid-19 brings to the trading environment. The Service is also keeping abreast of relevant legislative changes resulting from the Brexit situation as it develops, in order to be best placed to support businesses to be prepared for 1st January 2021. In September/October 2020 some managers and officers attended "EU exit Training the TS profession" briefings organised by the Trading Standards professional body CTSI on behalf of BEIS.
23. **Income Update** - Trading Standards has an income generation target of £729k for 2020/21. At the time of writing the current cumulative level of income is £323k. During this financial year to date the Service's commercial services activities have been heavily impacted by the impact of Covid-19 and lockdown on the UK business sector. As a result, at the time of writing, the Service is currently forecasting a year end income achievement of £541k against the £729k target.

24. This is an improvement on the situation reported in the July 2020 committee report and officers will continue to explore all opportunities to generate further income from supporting existing and new Primary Authority businesses through the challenging months ahead. The Service has been negotiating the sign up of two new Primary Authority companies, one a food manufacturer and another a furniture supplier.
25. **Approved Trader Scheme: Buy With Confidence** – the County Council has signed up to a newly available “associate” relationship with the Buy With Confidence Partnership to provide the option of a “Trading Standards” approved trader scheme for Nottinghamshire traders and residents. www.buywithconfidence.gov.uk .
26. Under this arrangement, the Buy With Confidence Partnership, led by Devon Trading Standards, manages the scheme, and carries out vetting checks using national Trading Standards complaints and intelligence databases. There is no cost implication for the County Council other than minimal officer time to briefly check applicants against the Service’s local database.
27. In return, the County Council will be able to promote the scheme to Nottinghamshire traders and residents, and will make details available via the Council’s website and the Notts Help Yourself website (www.nottshelpyourself.org.uk) .
28. **Safeguarding the Vulnerable** – work continues to protect vulnerable Nottinghamshire residents from scams and doorstep crime:
- A vulnerable, partially-sighted consumer in Ashfield paid over £700 for gardening work. The trader failed to carry out what was agreed and refused to remove several large bags of rubbish left on the consumer’s property. Following intervention, the trader removed the rubbish and agreed to refund all monies.
 - Officers assisted a consumer in Broxtowe who has paid a trader over £12,000 for building work. The consumer reported that little work had been completed and that she was feeling intimidated by the trader. Officers have intervened to help the resident feel safer in her home.
 - Officers assisted an elderly consumer in Broxtowe who was targeted by doorstep callers, providing advice and equipment to fit at her home to deter future incidents.
 - Officers have worked with County Enterprise Foods to reach those most vulnerable in Nottinghamshire. A scams awareness leaflet was included with each home meal delivery. The scams awareness leaflet highlighted coronavirus scams as well as a reminder for residents to check with friends and family if something just doesn’t seem right.
29. **East Midlands Regional Investigation Team** – the team was recently tasked a new investigation relating to the activities of a criminal gang targeting the public and offering substandard roof repairs. Complaints have been received throughout the East Midlands with some victims reporting losses in excess of £50,000. The case is at an early stage and will now be progressed through to conclusion. The Team currently has eight major investigations underway, and further updates will be provided at appropriate stages.
30. **The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020** introduced from October 2020 provisions to restrict the use of single use

plastics to prevent environmental pollution and harm to animals. Trading Standards will enforce the Regulations through civil sanctions.

31. The Regulations make it an offence to supply/offer to supply single use plastic straws, stirrers and plastic stemmed cotton buds to end users. There are some exemptions including supply by retail pharmacies and catering establishments in response to a specific request from a customer and for medical purposes.
32. The Regulations also extend the plastic carrier bag charge to all retailers and increase the minimum charge to 10p. From July 2021 it will also be an offence to supply/offer to supply drink products with an attached plastic straw to end users. The Regulations have a 6 months' transitional provision to allow for the supply of existing stock.
33. **Doorstep Crime** - a trial scheduled to commence in June 2020 has moved due to the Covid-19 situation been moved to 2021. In November 2018 the builder pleaded not guilty at Crown Court to 8 counts relating to fraudulent representations to customers about building work. Since that date, further alleged offences came to our attention and the court dates were moved to accommodate this.
34. **Animal Health** - A Lincolnshire farmer has been charged with theft of sheep, animal by product breaches, and failure to maintain animal movements records. He pleaded not guilty to the offences and his trial was put back until March 2020, and then adjourned until the 26th October 2020. This farmer has also been charged with further offences of a similar nature by North Yorkshire Police with the first hearing listed for the 13th October 2020.
35. **Illicit Tobacco** - There are 3 illicit cigarettes cases waiting for trial in the Crown Court, which have been put back to 2021 due to the Covid-19 situation. The cases involve 3 different retail shops, Kubus at Worksop, Kubus at Mansfield and Supernews at Stapleford.
36. In a fourth case pending in the Nottingham Magistrates Court, 2 defendants are charged with the possession of illicit tobacco. This case was due to be heard on the 4th August 2020 but has been adjourned to holding date of the 6th December 2020.
37. **RIPA update** - The Regulation of Investigatory Powers Act 2000 (RIPA) gives the Council the power to undertake covert surveillance in relation to certain investigations. There is a strict authorisation process set out in the legislation; applications are considered by senior officers before final approval is given by the Magistrates Court. The Council is required to submit an annual statistical return to the Investigatory Powers Commissioner's Office (IPCO) on the number of authorisations made.
38. The Council is also able to obtain communications data through the National Anti-Fraud Network (NAFN), an expert provider accredited by the IPCO and the Home Office. NAFN submits the annual statistical return to the IPCO on the number of submissions made by the Council. The next IPCO inspection will be in 2022.
39. A programme of monitoring and review is set out in the Council's RIPA policy and guidance.
40. Throughout 2020, there has been one new directed surveillance application. The low number is this in part is due to the impacts of Covid 19, and the welfare of staff. There have been three communications data requests regarding multiple telephone numbers.

41. Specific details regarding the applications and requests cannot be given at this stage as they relate to live investigations. They relate to allegations of doorstep crime, unroadworthy cars and supply of illicit tobacco.
42. **Apprenticeship Success** – in March 2019, the Service appointed 3 Regulatory Compliance Officer (RCO) apprentices, a new national apprenticeship designed for personnel wishing to undertake a role in a regulatory service. The 3 RCOs undertook several standardised modules and were supported with on the job training from officers within the Service. We are very pleased to report that following their end point assessments all three have passed their RCO apprenticeship with distinction. They are now continuing in the Service and are currently studying to complete stage 1 of the Trading Standards Professional Qualification.
43. The Service has a second phase of 2 further officers undertaking their RCO apprenticeship and it is hoped that they will complete this in summer 2021. The Service has also taken on an officer to undertake a level 4 Intelligence Analyst apprenticeship, which is also a newly developed apprenticeship. They are due to complete this in Spring 2021.

COMMUNITIES

44. **Nottinghamshire COVID-19 Community Fund** - The fund launched on 31 March 2020, to provide emergency financial support for projects helping the most vulnerable residents affected by the pandemic and played a key part of the Council's early response. It closed on the 17 September 2020, with the Council having awarded £695k to 260 organisations as detailed in the table below. A list of projects that were awarded funding and examples of how the funding has helped is available on the [COVID-19 Community Fund webpage](#).

	Projects	Awarded
Ashfield	28	£75,255
Bassetlaw	31	£81,580
Broxtowe	20	£51,574
Gedling	18	£37,020
Mansfield	17	£43,500
Newark and Sherwood	37	£96,686
Rushcliffe	25	£64,960
Countywide	84	£244,626
Total	260	£695,201

45. **The Local Authority Emergency Assistance Fund for Food and Essential Supplies** - Earlier this summer, the Government allocated a £858k grant from the £63m Local Authority Emergency Assistance Fund to Nottinghamshire County Council. The Fund builds on the COVID-19 Community Fund and aims to support Nottinghamshire residents who are struggling to afford food and other essentials due to the impact of COVID-19. Information about the fund can be found at:

46. Officers are working closely with partners to ensure that the funding is used in ways that best support local communities and reduce the risk of duplication and over-dependency. All applications are put through a robust assessment process and the County Council has to date administered £246,178 from the Local Authority Emergency Assistance Fund to 22 groups that are providing essential help and support to local people as shown below.

District based in	Awarded	
	Projects	Amount
Ashfield	1	£15,750
Bassetlaw	2	£11,000
Broxtowe	8	£108,229
Gedling	1	£10,955
Mansfield	6	£80,316
Newark and Sherwood	2	£12,000
Rushcliffe	2	£7,928
Outside Nottinghamshire	-	-
Total	22	£246,178

47. **Safer Streets Funding for Newark** - In October 2019 the Home Office announced that £25m Safer Streets Funding would be provided to residential areas in England and Wales disproportionately affected by crimes like burglary and theft, to invest in evidence-based preventative interventions such as home security and street lighting. The fund was open to bids from Police and Crime Commissioners for projects that aim to make communities safer, while freeing up the time of police to focus on more complex crimes.
48. Working with partners, including the County Council, the Nottinghamshire Police and Crime Commissioner secured the maximum allocation available of £550k. The announcement of this award was delayed due to the pandemic, but work has now started in the two target areas of Chatham Court and Northgate areas in Newark. These two areas were selected through a data analysis process utilising criterion prescribed through the fund prospectus.
49. Among a package of measures being funded by the grant is increased use of ANPR cameras to tackle vehicle related crime, upgrading of security on doors and windows in the Chatham Court area, CCTV installation, improved bicycle storage and robust enforcement measures. £150k has also been made available for work relating to street lighting.
50. The grant also funds a Burglary Reduction Officer to work with the local community undertaking assessments of properties at risk of burglary, organising improvements to security including new door and window locks, security lighting and/or CCTV.
51. The Home Office was impressed with the detailed case made in the Nottinghamshire bid which not only identified the driving forces behind the problems in these two areas but presented workable solutions which aim to build resilience among the communities.

52. Some of the analysis undertaken in preparation for the bid revealed a lack of crime reporting in these areas and this is something the project is keen to change by increasing trust and creating an environment where people are encouraged to play an active role in public safety. The Communities Team are leading on the 'Community Engagement to Build Capacity and Resilience' strand, and a budget of £39k has been allocated in support.
53. This will be aided with the launch of a new Community Hub at Chatham Court housing providing on-site contact for residents and partners and enabling problems to be identified quickly. Evaluation and establishing 'what works' are key parts of the Safer Streets Programme so that lessons can be learnt and implemented in other areas.
54. **Nitrous Oxide** - There has recently been raised awareness of the use of nitrous oxide across the County. This has led to warnings being issued by partners about the dangers of inhaling this substance. These warnings come after officers and local authorities reported finding empty small silver canisters while patrolling in areas especially where young people are known to meet including parks, car parks and other public areas.
55. Inhaling nitrous oxide can be dangerous and can lead to loss of blood pressure, heart attack, unconsciousness and can ultimately lead to death. The health risks are likely to be exacerbated if the exposure to the gas is combined with alcohol or other drugs. There is a call for parents to be vigilant for signs that their children may be purchasing the substance online. As the substance is also used for cooking it is widely available. Supplying nitrous oxide for recreational purposes is illegal under a section of the 2016 Psychoactive Substances Act and can result in a prison sentence of up to seven years, an unlimited fine or both for selling it. Someone driving after they have inhaled nitrous oxide could also be found guilty of drug driving offence.
56. The Council is working closely with Nottinghamshire Police and other local partners to minimise the harm caused by substance misuse to individuals and communities. This is done through partnership activity focused on restricting supply, reducing demand and providing appropriate advice, support and treatment when needed through the Public Health commissioned drug and alcohol service for young people, adults and families, Change Grow Live. Police have made arrests in Worksop connected with the supply of nitrous oxide and in parts of Mansfield and Ashfield following increased usage.
57. Change Grow Live have launched a campaign called #helpyourmate specifically to promote harm reduction advice amongst young people at this time when the easing of lockdown restrictions has seen the service observing an increase in young people coming together to spend time with their friends. It is recognised that some young people could be putting themselves at risk of the harmful effects of substance use.
58. **Community Support Hub** – Work is ongoing to support volunteers who contacted the Support Hub offering to volunteer in their communities. 2 separate email communications have been sent to all hub volunteers to keep them engaged, feel supported and the second one particularly, sought to warm them up for potential demand on the way. In addition, officers from the Communities Team have been making direct contact with volunteers on the Hub. Of the 64 of those who had been verified by Trading Standards 28 volunteers have been contacted and have been supported in either being signposted to existing community projects looking for additional volunteers or developing new projects in their local community to support vulnerable residents for example befriending to tackle loneliness and socially distanced litter picks.

59. **Community Organising Approach and Live Streaming workshops** –five Community Organising workshops scheduled between March and July have had to be postponed. A new and interactive ‘Live Streaming’ morning workshop has now been developed, the first of which was delivered on Tuesday 13th October. This session was been prioritised for those who had previously booked onto the Newark workshops in order to maintain and build the established networks. The demand for these new workshops is building and the team hope to deliver to a range of partners including Nottinghamshire Social Prescribing link workers and The Carers Trust support workers along with community spirited volunteers/residents.
60. **Dementia Friendly Communities** - As a response to Covid-19 the Team’s Community Friendly Neighbourhood Coordinators retrained to deliver adapted information session as an online workshop. Since lockdown took effect, 6 sessions have been delivered to 51 NCC staff from Health & Social Care and Business Support with a further 11 from Nottinghamshire Police. 347 people have now become Dementia Friends of which 181 are NCC staff. A further 3 NCC sessions have been scheduled between now and Christmas for which bookings have already been made via the Learning Portal. Ashfield and Mansfield Dementia Action Alliance are also now being supported to deliver their own Livestreaming Sessions within their networks.
61. **Defence Employer Recognition Scheme – Gold Award.** On 2 September 2020 an official notification was received by the Council from The RT Hon Ben Wallace MP – Secretary of State for Defence of the United Kingdom, congratulating it on achieving Gold status, one of 127 organisations nationally.
62. The scheme encourages employers to support defence and inspire others to do the same. The scheme encompasses bronze, silver and gold awards for employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community.
63. Gold award holders:
- must have signed the [Armed Forces Covenant](#)
 - must have an existing relationship with their National Account Manager/REED/appropriate defence representative
 - should already be demonstrating support by receiving an ERS Silver Award
 - must proactively demonstrate their forces-friendly credentials as part of their recruiting and selection processes.
 - must employ at least one individual from the armed forces community category that the nomination emphasises.
 - must actively ensure that their workforce is aware of their positive policies towards defence people issues.
 - must be an exemplar within their market sector, advocating support to defence people issues to partner organizations, suppliers and customers
 - within the context of Reserves the employer must have demonstrated support to mobilisations or have a framework in place. They must provide at least 10 days’ additional leave for training, fully paid, to the Reservist employee
 - must not have been the subject of any negative public relations or media activity
64. The Council will be working with the Defence Relationship Management (DRM) communications campaign that celebrates Gold Winners. Regional case studies and video interviews featuring a sample of winners will be created. If the Council is not featured on this occasion, there will be subsequent opportunities throughout the year to feature the work; in newsletters, social media campaigns, on their/our website and in their/our Annual Report.

Other Options Considered

65. None.

Reason/s for Recommendation/s

66. To ensure appropriate political oversight of key Trading Standards and Communities matters, particularly with regards to covert techniques covered by the Regulation of Investigatory Powers Act.

Statutory and Policy Implications

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

Financial Implications

68. No additional implications.

RECOMMENDATION/S

That the Committee:

- 1) Considers the updates given and highlights any actions required.

Derek Higton
Service Director, Place and Communities

For any enquiries about this report please contact: Mark Walker, Group Manager Trading Standards & Communities, Tel: 0115 977 2173

Constitutional Comments (KK 25/09/2020)

69. The proposals in this report are within the remit of the Communities and Place Committee.

Financial Comments (RWK 28/09/2020)

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

Background Papers and Published Documents

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

- None

Electoral Division(s) and Member(s) Affected

- All

5th November 2020**Agenda Item:9****REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (REMPSTONE ROAD, EAST LEAKE) (PROHIBITION OF DRIVING) TRAFFIC REGULATION ORDER 2020 (8300) AND THE NOTTINGHAMSHIRE COUNTY COUNCIL (REMPSTONE ROAD, EAST LEAKE) (40 M.P.H. SPEED LIMIT) ORDER 2020 (8301)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider the objections received in respect of the above Traffic Regulation Order and Speed Limit Order and whether they should be made as advertised.

Information

2. East Leake is a large rural village, located approximately 13km south of Nottingham in the Borough of Rushcliffe. Rempstone Road is a local distributor road linking the southwest of the village centre with the Loughborough Road and A6006 Melton Road past Home Farm. Planning permission was granted, on appeal, in November 2017 for the erection of 235 dwellings and associated infrastructure (Ref 16/01881/OUT) in East Leake. The development is located on land to the north of Rempstone Road, which was previously used for agricultural purposes. Conditions attached to the planning permission require that the speed limit on Rempstone Road in the vicinity of the development be lowered to 40mph and that part of the eastern arm of Rempstone Road (between Home Farm and its junction with Loughborough Road) be closed to motorised traffic.
3. In accordance with the planning conditions, the County Council proposes to lower the current derestricted (60mph) section of Rempstone Road to the west of Loughborough Road to 40mph and to implement a prohibition of driving on Rempstone Road at its eastern junction with Loughborough Road as detailed on the attached plan H/JAB/3372/01. The prohibition of driving would apply to motorised vehicles only, a through-route for pedestrians, cyclists and equestrians is proposed to be retained and the proposals includes a gate to the north of Home Farm on Rempstone Road to prevent vehicles (other than those requiring legitimate access) from accessing the north-western stretch of the road up to the point of closure. An appropriately sized gap will be retained adjacent to the gate to allow non-motorised users unimpeded access. The gate is designed to reduce the likelihood of the closed section being used as a fly-tipping site and prevent vehicles needing to reverse back along this section of road as there is no space within the highway to create a turning head.

4. The proposals were publicly advertised between 12th March and 14th April 2020. The consultation period was interrupted by the Covid19 lockdown and inhibited the public's opportunity to be meaningfully involved in the consultation process. To ensure the process was fully accessible to all, the consultation was resumed when restrictions on movement were lifted and the second consultation period operated from 15th June to 17th July 2020. All submissions, received during either consultation, are considered in this report.
5. During both consultation periods a total of 38 responses were received, of which eleven expressed support and eleven made comments on the proposals. It is considered that there are 16 outstanding objections to the proposals, including an objection from East Leake Parish Council.

Objections Received

6. Objection – Speed limit

Three respondents, including the Parish Council objected to the proposed 40mph speed limit. One respondent objected to the lower limit, stating that it would increase congestion and inconvenience rural residents commenting that significant improvements were required to straighten local roads, increase junction capacity and generally upgrade the local distributor network to carry more traffic. The remaining respondents objected to the proposed limit on the basis that they considered the that the restriction should be a lower limit of 30mph.

7. Response – Speed limit

The County Council use a number of factors when determining appropriate speed limits; these are based on the Department for Transport's guidance "Setting Local Speed Limits" and include existing traffic speeds, history of collisions, road purpose/function, population size, expected vulnerable road users and environmental effect. A 30mph speed limit is normally only proposed where the road is clearly in an urban area with multiple properties directly accessed from the road.

8. The new development on Rempstone Road is located on one side of the road only and the properties will not have driveways directly accessed off the main road. The straight, rural nature of the road, combined with few vehicle accesses, low pedestrian and cyclist numbers do not visually reinforce a lower 30mph speed limit. If speed limits are set at an unreasonably low level it can increase collisions associated with driver frustration prompting inappropriate and unsafe overtaking manoeuvres to pass what they perceive as vehicles driving 'too slowly'. It is good practice to maintain the association between only built up areas and a 30mph speed limit.
9. It is not anticipated that the 40mph speed limit will increase traffic congestion, nor substantially increase journey times for residents.

10. Objection – Prohibition of driving

Fifteen respondents, including the Parish Council, objected to the proposed prohibition of driving on the eastern arm of Rempstone Road. Concerns included that the proposals would increase traffic congestion at other junctions, most notably at the Loughborough Road / A6006 Melton Road junction, increase journey times and potentially lead to more vehicle collisions at other junctions. Respondents also stated that junctions in the surrounding area were already subject to congestion at peak times or were unfit for purpose and should be upgraded and considered that the closure was unnecessary and that it would not improve safety at the

junction. Other comments were that the closure was unreasonable because the route was legitimate and served a useful purpose in accessing the A6006 and that the closure could lead to increased fly-tipping. A suggestion was also made that this section of Rempstone Road be made one-way eastbound.

11. Response – Prohibition of driving

The prohibition of driving is proposed in response to an existing pattern of personal injury collisions (PICs) at the crossroads junction of Rempstone Road and Loughborough Road. In the period 1st January 2015 to 30th April 2020 there have been five PICs, all resulting from vehicles overshooting the junction onto Loughborough Road. These PICs resulted in eight slight and two serious injuries. The crossroads has been treated over a number of years with various measures intended to improve road user safety, including rumble strips, stop lines and large yellow-backed warning signs, and whilst this has improved driver awareness of the junction it continues to be a collision site. During the planning process it was recognised that the increase in traffic resulting from the new development would exacerbate this and increase the risk of further and more serious collisions.

12. The physical closure of one arm of the crossroads will remove traffic movements directly across Loughborough Road and so mitigate this risk and improve safety at the junction. The south-eastern section of Rempstone Road (between Loughborough Road and Melton Road) is a narrow, single-track carriageway and is frequently used by local horse-riders and cyclists. The removal of through-traffic from the route will increase safety for these vulnerable users, many of whom wrote to express their support for the scheme.
13. It is acknowledged that vehicular traffic which previously used the south-eastern section of Rempstone Road will now use other local junctions and that as a result queue times at peak periods may increase. Loughborough Road and the A6006 are better suited to an increase in traffic levels rather than the narrow section of Rempstone Road. The Loughborough Road / A6006 Melton Road junction will continue to be monitored and appropriate measures implemented / proposed if road safety is detrimentally affected by the closure of Rempstone Road.
14. It is not considered appropriate to make this section of Rempstone Road one-way eastbound, as this will not remove the ahead manoeuvre over Loughborough Road, which has been a factor in the road traffic collisions. In addition, it would lead to an increase in traffic speeds along the south-eastern section of Rempstone Road, as drivers would expect to proceed unopposed. The route is used by vulnerable users, such as horse-riders and pedestrians who would not be subject to a one-way restriction, this would increase the likelihood of high severity PICs between vehicles and these users on this narrow, single-track carriageway and would be detrimental to road safety. It should also be noted that two-way access along the route is required by landowners accessing agricultural land, local businesses, such as Home Farm, and residents.
15. The closure would apply to motorised vehicles only, access would be retained for pedestrians, cyclists and horse-riders. A gate is proposed to the north of Home Farm on Rempstone Road to prevent vehicles (other than those requiring legitimate access) from accessing the northern stretch of the road, which is designed to reduce the likelihood of the closed section being used as a fly-tipping site.

Other Options Considered

16. Other options considered included the extent of the proposed 40mph limit and the need for additional measures, such as a gate to mitigate against an increase in fly-tipping on the closed section of Rempstone Road. It is considered that the proposed scheme presents a reasonable and proportionate balance between the needs of all highway users, including non-drivers, who live in or visit the area.

Comments from Local Members

17. Councillor Brown expressed his support for the proposals.

Reason/s for Recommendation/s

18. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of new junction into the housing development. The measures contained in the proposals meet the requirements of the Rempstone Road development planning conditions and are appropriate considering a balanced view of the needs of all sectors of the community, including non-drivers.

Statutory and Policy Implications

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

Crime and Disorder Implications

20. Nottinghamshire Police responded to confirm that they had no objection or comments to make on the proposals. No additional crime or disorder implications are envisaged.

Financial Implications

21. The scheme is being wholly funded by the developer.

Human Rights Implications

22. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

Public Sector Equality Duty implications

23. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
- Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.
 - Foster good relations between people who share protected characteristics and those who don't.
24. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Rempstone Road, East Leake) (Prohibition of Driving) Traffic Regulation Order 2020 (8300) and the Nottinghamshire County Council (Rempstone Road, East Leake) (40 M.P.H. Speed Limit) Order 2020 (8301) be implemented as advertised and the objectors informed accordingly.

Adrian Smith
Corporate Director Place

Name and Title of Report Author
Naomi Cook – Projects and Improvements Manager

For any enquiries about this report please contact:
Helen North (Improvements Lead) 0115 977 2087

Constitutional Comments (SJE – 05/10/2020)

25. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to the planning, management and maintenance of highways (including traffic management) has been delegated.

Financial Comments ()

26. The cost of the Traffic Regulation Orders and works will be fully funded by the developer.

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.

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Electoral Division(s) and Member(s) Affected

Leake and Ruddington ED

Councillor Andrew Brown

05 November 2020**Agenda Item:10****REPORT OF SERVICE DIRECTOR, GOVERNANCE AND EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2020-2021

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman, and includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, each committee is expected to review day to day operational decisions made by officers using their delegated powers. The Committee may wish to commission periodic reports on such decisions where relevant.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of finance, 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 as required.

RECOMMENDATION/S

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

Marje Toward
Service Director, Governance and Employees

For any enquiries about this report please contact: Noel McMenamin, Democratic Services Officer on 0115 993 2670

Constitutional Comments (HD)

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

Financial Comments (KRP)

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

Background Papers

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

- None

Electoral Division(s) and Member(s) Affected

- All

COMMUNITIES & PLACE COMMITTEE

WORK PROGRAMME – NOVEMBER 2020 – JULY 2021

Report	Description	Lead Officer	Author
5 November			
Highways Drainage - Recommendations	To seek approval for officers from Via EM Ltd. and the County Council to pursue the recommendations set out in this report.	Derek Higton, Service Director	Gary Wood, Group Manager/Martin Carnaffin, Team Manager
Trading Standards & Communities Update	To update the Committee on key Trading Standards and Communities matters.	Derek Higton, Service Director	Mark Walker, Group Manager
LIS Capital funding: 2020-21	To consider applications requesting capital funding from the Local Improvement Scheme Capital Funding 2020 to 2021. To seek 'approval in principle', to the award capital funding for projects that meet the Local Improvement Scheme Capital Fund 2020-21 criteria. To seek approval to change the project completion date from 30 June 2021 to 31 December 2021, for successful applications.	Derek Higton, Service Director	Cathy Harvey, Team Manager
Pavement Parking	To consider the Council's response to the 'Pavement Parking: Options for Change' open consultation, which seeks opinions on proposals to reduce the problems caused by parking on pavements. This report provides a summary of the key proposals contained in the consultation document. The Council's draft response is attached at Appendix A.	Adrian Smith, Corporate Director	Gary Wood, Group Manager/Chris Wood, Highways Management

COMMUNITIES & PLACE COMMITTEE

WORK PROGRAMME – NOVEMBER 2020 – JULY 2021

Emergency Planning Team Staffing Structure	To seek approval to add 2.4 FTE posts to the establishment of the emergency planning team in order to address increased routine service demand and to fulfil new burdens.	Adrian Smith, Corporate Director	Rob Fisher, Group Manager
The Nottinghamshire County Council (Rempstone Road, East Leake) (Prohibition of Driving) Traffic Regulation Order 2020 (8300) and the Nottinghamshire County Council (Rempstone Road, East Leake) (40 M.P.H. Speed Limit) Order 2020 (8301)		Adrian Smith, Corporate Director	Gary Wood, Group Manager/Helen North, Improvement Lead, VIA EM,/Mike Barnett, Team Manager, VIA EM
3 December			
Flood Risk Management Section 19 Report Ollerton		Derek Higton, Service Director	Gary Wood, Group Manager, Sue Jaques, Team Manager
Nottinghamshire Highways Design Guide (deferred from October)	To seek authorisation to adopt the draft Highway Design Guide as County Council policy.	Adrian Smith, Corporate Director	Sally Gill, Group Manager/Martin Green, Team Manager
Transforming Cities Programme (Deferred from October)	To provide an update on Nottingham City Council's Transforming Cities Fund bid and to set out the next steps in project delivery; To seek approval of Committee for scheme suggestions within or on county highway; To approve and appoint a suitable elected Member to sit on the steering Board; To seek approval to progress negotiations with landowners to secure the land required to deliver the A60 Park and Ride in parallel to preparing	Adrian Smith, Corporate Director/Matthew Neal, Service Director	Sally Gill, Group Manager/Kevin Sharman, Team Manager

COMMUNITIES & PLACE COMMITTEE

WORK PROGRAMME – NOVEMBER 2020 – JULY 2021

	a Compulsory Purchase Order and; To seek approval of Committee to prepare scheme display material and undertake necessary consultation of proposals for elements of the bid proposals.		
Communities and Place Performance and Finance Report for Quarter 2 Place Core Data Set		Nigel Stevenson, Strategic Director, Finance, Infrastructure and Improvement	Matthew Garrard, Policy, Performance and Intelligence Team Manager
7 January 2021			
Highways Capital Programme for January 2021 meeting.		Derek Higton Service Director	Gary Wood Group Manager
Progress with the Permit Scheme (deferred from December)		Derek Higton. Service Director	Gary Wood, Group Manager / Gareth Johnson, Team Manager
4 February			
Update on Environment Strategy		Derek Higton. Service Director	Mick Allen, Group Manager
4 March			

COMMUNITIES & PLACE COMMITTEE

WORK PROGRAMME – NOVEMBER 2020 – JULY 2021

Review of Highway Network Management Plan	Review of Management Plan.	Adrian Smith, Corporate Director	Gary Wood, Group Manager/Suzanne Heydon, VIA
10 June			
8 July			

To be scheduled – Waste Recycling Provision in Ashfield/Mansfield