



**MINUTES  
OF THE MEETING OF THE  
CABINET  
TUESDAY 8 JUNE 2010**

Held At 7.00pm in the Council Chamber, Civic Centre, Pavilion Road, West  
Bridgford

**PRESENT:**

J N Clarke - Chairman  
Councillors D G Bell, J A Cranswick, J E Fearon, R Hetherington,  
Mrs D J Mason

**ALSO IN ATTENDANCE:**

Councillors Mrs D Boote, S Boote, C Evans and B Venes.

**OFFICERS PRESENT:**

C Bullett	Deputy Chief Executive (CB)
A Graham	Chief Executive
S Goodrich	Head of Revenues & ICT
S Griffiths	Deputy Chief Executive (SG)
N Morton	Head of Financial Services
P Randle	Deputy Chief Executive (PR)
D Swaine	Head of Corporate Services

**APOLOGIES FOR ABSENCE:**

Councillors There were no apologies for absence

8. **Declarations of Interest**

There were none declared.

9. **Minutes**

The minutes of the meeting held on Tuesday 18 May 2010 were approved as a correct record and signed by the Chairman.

10. **Leadership Model and Executive Arrangements**

Councillor Clarke presented the report of the Head of Corporate Services and explained that it set out proposals for potential changes to the Leadership and Executive Arrangements of the Council as required by the Local Government and Public Involvement in Health Act 2007.

Commenting further Councillor Clarke stated that in simple terms the potential changes could take one of two forms which were expressly set out in the report. In terms of the Leader and Cabinet model he indicated that the proposals would mean that the Leader would be appointed by annual Council for a four year term and additionally the Leader would appoint his or her Cabinet, which was presently a matter for annual Council.

In view of the fact that the Leader and Cabinet model had been in place for some time at the Council, Councillor Clarke stated that he believed this model would be most likely to assist in securing continuous improvement in the way the Council's functions were exercised.

Councillor Clarke stated that it was clear from the report that the proposals for the Leader and Cabinet model of Executive Arrangements presented a subtle change to the existing arrangements at the Council. However the change required a programme of consultation to be undertaken in order that views and opinions were sought and considered before a final decision was made.

Councillor Clarke went on to refer to the consultation action plan as appended to the report which set out the three month programme of consultation and also gave details of how the proposals would be reported to the necessary Council committees. In conclusion he indicated that the Consultation Action Plan would be forwarded to Council for approval with a view to the consultation period commencing on 1 July and ending on 30 September.

RESOLVED that:

- a) Cabinet consider that, subject to the results of the consultation to be undertaken, the Leader and Cabinet Model would be most likely to assist in securing continuous improvement in the way the Council's functions were exercised; and
- b) agree the consultation action plan as set out in the report and recommend it to Council for approval.

#### 11. **Petitions Duty and Scheme**

Councillor Hetherington presented the report of the Head of Corporate Services setting out proposals for the implementation of a petition scheme consistent with the petitions duty as set out in the Local Democracy and Economic Development and Construction Act 2009.

The report indicated that every principal local authority had to adopt a petition scheme by June 2010 with the duty to have an e-petitions facility in place coming into force in December 2010. A copy of the scheme was attached to the report setting out the types of petition that were covered, potential actions that the Council might take when dealing with petitions and the suggested thresholds for the number of signatories which could trigger the petition being debated at a full Council meeting or a senior Council officer attending a scrutiny group to give evidence.

Commenting further on these thresholds Councillor Hetherington indicated that they were calculated taking into account the Borough's population statistics and statutory guidance on the petition scheme. The guidance provided a maximum percentage of the population for full Council debates but gave only guidance in respect of officers attending scrutiny groups to give evidence.

When determining the thresholds Councillor Hetherington indicated that consideration had been given to the statutory guidance and also the issue of ensuring the petition scheme was effective in enabling issues of genuine

community concern to be addressed. He added that it was important to have thresholds that were achievable but were at a level that reflected issues of genuine concerns to communities within the Borough. In view of this the report suggested that the thresholds be set at 2% of the population equating to 2,200 signatories for either the requirement for the petition to be debated at full Council or for a senior council officer being requested to give evidence at a scrutiny group meeting.

In conclusion Councillor Hetherington indicated that it was important to recognise that the Council's existing constitutional provisions in relation to petitions would remain, however the scheme presented was consistent with the duty arising from the legislation and would help to ensure the Council was able to continue to deal with petitions properly and fairly. He stated that the report recommended the petition scheme to Council for approval as it would require the Head of Corporate Services to be authorised to implement minor amendments to the Council's Constitution to facilitate the scheme's implementation.

In response to a question from Councillor Clarke, the Head of Corporate Services clarified that the statutory guidance indicated that the principle behind the petitions scheme and the e-petitions facility was that of openness and accessibility. As such both the lead petitioner could determine their preference for the type of petition undertaken, helping to ensure that the process for the submission of a petition was open and transparent.

RESOLVED that:

- a) Cabinet agree,
  - i) the draft Petition Scheme as attached as Appendix A subject to the existing Constitutional arrangements remaining in place in relation to petitions that fall below the stated thresholds,
  - ii) the subsequent amendments to the Constitution; and
- b) forward the scheme to Council for approval.

## 12. **Provisional Financial Outturn 2009/10**

Councillor Cranswick presented the report of the Head of Financial Services setting out the revenue outturn. He explained that the outturn was subject to audit and Appendix One of the report indicated that the Council had achieved its activities within the allocated resources and with an overall saving on services.

The savings on services were detailed in Appendix One of the report and these savings contained a number of 'one-off' items of income that were not budgeted for. Furthermore it set out that once these one-off items were taken into account, the savings on services were £300,308. The report also set out in detail the main variations for revenue and it also, at paragraph seven, detailed interest receipts.

In terms of capital expenditure the report indicated that performance equated to 83% of the revised gross budget excluding the Customer Service Partnership project, which accounted for £994,000 of the under-spend in the year. This had been highlighted to the Corporate Governance Group and also to Cabinet through the formal capital monitoring process.

In conclusion Councillor Cranswick stated that he believed the report evidenced the effectiveness of the Council's robust financial management arrangements and also clearly demonstrated the excellent work undertaken by Council officers to ensure resources were used properly.

RESOLVED that:

- a. the outturn be noted;
- b. a proposed carry forward of £102,803 to 2010/11 in respect of revenue items listed in **Appendix 2** be supported and referred to Council for approval;
- c. an amount of £322,322 be transferred to a VAT Reserve;
- d. an amount of £170,000 be transferred to the Planning Appeals Reserve;
- e. an amount of £46,630 be transferred to the Planning Delivery Reserve;
- f. an amount of £53,360 be transferred to the Leisure Centre Maintenance Reserve;
- g. an amount of £100,000 be transferred to the Planned Maintenance Reserve;
- h. an amount of £174,500 be transferred to a LAA Reserve;
- i. the net capital carry forward of £1,787,210 be approved.

**13. Improvements to Public Conveniences – Bridgford Park – Approval of Scheme**

Councillor Cranswick presented the report of the Head of Revenue and ICT Services which indicated that Cabinet, at its meeting on 9 February 2010, had considered outline proposals for the replacement of the public toilets sited in Bridgford Park. The report stated that the budget consultation workshops undertaken as part of the budget setting process had indicated support for substantial improvements to the condition of the facilities on the existing site.

The report highlighted that the existing toilet provision within the park did little to complement the surroundings and its design and condition meant it had limited or no appeal. Furthermore the toilet facility was constructed around 1970 and whilst the fabric of the building was in good general condition, its internal condition and the sanitary fittings were poor and outdated. Additionally the condition of the building at present meant it had associated anti-social behaviour and inappropriate use issues.

In order to gauge the views of potential users to the facility comprehensive consultation had been undertaken as part of the process for developing proposals and the results of this had been incorporated into this report. The consultation findings were set out in the report which indicated that the consultation had run between 5 and 19 May. It had included face to face surveys and details of the proposals had been published on the Council's website with a facility for people to make comments. A detailed appraisal of the

consultation responses was set out in the report which gave details of the results and also outlined comments received in writing and by telephone.

By referring to the consultation responses Councillor Cranswick indicated that there was support for the potential introduction of a small charge of 20 pence for the use of the facilities. He stated that the introduction of such a charge would require the completion of a feasibility study to determine if it would be viable and this was reflected in the report's recommendation. Commenting further he stated that the potential introduction of such a charge would help to exercise a further element of control in terms of appropriate access to the facility assisting in the prevention of anti-social behaviour and associated issues.

In terms of the potential kiosk facility as shown on the plan attached to the report Councillor Cranswick indicated that work was continuing in order to determine how best to take this matter forward. He indicated that this work included discussions between the relevant Council officers in order to identify the best potential use of the facility and how it could form part of measures to help prevent and deter vandalism and misuse of the toilets.

Councillor Bell indicated support for the proposals and stated that they presented a viable option for the introduction of an improved facility which would be welcomed by the local community and park visitors. Councillor Fearon concurred with this view and stated that he was pleased the proposals incorporated the existing building.

In response to a question from Councillor Fearon the Head of Revenue and ICT Services clarified the costs associated with the proposal and the opening times of the park when the facilities would be available for public use.

As a concluding remark Councillor Clarke stated that he welcomed the proposals and that he believed the introduction of a much needed and valued facility was a positive move forward.

RESOLVED that:

- a) the scheme presented in the report be approved in principle; and
- b) the introduction of a charge of 20p for the use of the facility be agreed, subject to a feasibility study being undertaken to establish if a cost neutral position, for the provision and maintenance of cash collection equipment can be achieved; and
- c) the Head of Revenues and ICT Services, in conjunction with the Cabinet portfolio holder, be requested to review the findings of this study prior to the implementation of such a charge.

#### **14. Application of Discretionary Powers for Council Tax Reductions**

Councillor Cranswick presented the report of the Head of Revenue and ICT Services which outlined the discretionary powers available to Billing Authorities for the award of a reduction of Council Tax under section 13A of Local Government Finance Act 1992. He stated that the report also set out a

framework setting out the criterion under which the assessment of claims for eligibility to Council Tax reductions in exceptional circumstances could be made.

Commenting further Councillor Cranswick stated that the framework presented a common sense approach to the use of discretionary powers with regard to Council Tax reductions. In respect of exceptional circumstances he gave the example of flooded properties and how, at present, such reductions would not be applicable if the property remained furnished, even if it was not possible for the residents to live in it.

Councillor Mrs Mason welcomed the report and introduction of greater discretion in terms of the use of the powers as this truly reflected a more common sense approach. She believed this would assist the Council in helping residents at difficult times when exceptional circumstances could lead to the payment of Council Tax whilst they were not able to make proper use of their property.

RESOLVED that:

authority to determine applications for a reduction of council tax under section 13A of Local Government Finance Act 1992 be granted to the Head of Revenues and ICT Services in consultation with the Cabinet portfolio holder for finance in accordance with the framework outlined in this report.

#### 15. **Bingham Conservation Area Review**

Councillor Bell presented the report of the Head of Planning and Place Shaping indicating that in line with government requirements, appraisals and reviews of boundaries were being undertaken for all the Conservation Areas in the Borough. As part of this review process the Bingham Conservation Area had been appraised and its boundary reviewed and the report recommended changes to the Conservation Area boundary.

Commenting further Councillor Bell outlined the changes identified by the review, the consultation undertaken as part of the review process, and the proposed recommendation. He added that the plan at Appendix 2 of the report set out the proposed boundary for the Conservation Area and also additions and omissions within it.

RESOLVED that:

pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, changes to the boundary of the Bingham Conservation Area be designated as shown on the plans at Appendix 2 of this report and notice be given in accordance with the statutory requirements.

The meeting closed at 7.25 pm.

CHAIRMAN