

**MINUTES  
OF THE MEETING OF THE  
CABINET  
TUESDAY 7 DECEMBER 2010**

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

**PRESENT:**

Councillors J N Clarke, J A Cranswick, J E Fearon, R Hetherington

**ALSO IN ATTENDANCE:**

Councillors S J Boote, Mrs D Boote, C J Evans, R M Jones, Mrs B Venes

**OFFICERS PRESENT:**

C Bullett	Deputy Chief Executive (CB)
A Graham	Chief Executive
S Griffiths	Deputy Chief Executive (SG)
N Morton	Head of Financial Services
P Randle	Deputy Chief Executive (PR)
L Reid-Jones	Democratic Services Manager
D Swaine	Head of Corporate Services

**APOLOGIES FOR ABSENCE:**

Councillors D G Bell, Mrs D J Mason

40. **Declarations of Interest**

There were none declared.

41. **Minutes**

The minutes of the meeting held on Tuesday 9 November 2010 were approved as a correct record and signed by the Chairman.

42. **Leader's Announcement**

Councillor Clarke announced to Cabinet that he had been informed by the Chief Executive the previous night that Bodill Construction, the main contractor building the new joint customer services centre at West Bridgford Police Centre, had gone into administration. As a result work had ceased on the project while discussions took place. Councillor Clarke was not able to say how long the project would be delayed but would be informed by the Chief Executive as soon as possible. Councillor Clarke was confident that the contract would be completed to the same specification with a new contractor.

43. **Constitution Review Member Panel Report and Recommendations**

Councillor Clarke presented the report of the Performance Management Board (PMB) setting out the recommendations of the Constitution Review Member Panel, for consideration by Cabinet prior to submission to Council. The report

indicated that the Member Panel had met on four occasions to undertake the review and at each meeting it had considered areas for revision and amendment under the headings of:

- Inclusion of new legal duties and revisions in line with further guidance
- Practical aspects that have caused difficulties in the past, clarity of wording and legal anomalies

In summary the report stated that the key areas that the review had focused upon were:

- Revisions to the Council procedure rules including clarity regarding scope of questions and motions and submission deadlines
- The possible introduction of public questions at full Council meetings
- Revisions to the scrutiny call-in procedure
- The future role of the Employment Appeals Committee
- The need for a review of the Scheme of Delegation with this being presented to a future meeting of Cabinet and Council for agreement
- The format and content of the Forward Plan and Cabinet reports

Councillor Clarke explained that the report provided further details of the substantial areas of review and revision considered by the Panel and recommended to Cabinet by the Performance Management Board.

Councillor Cranswick welcomed the report and thanked officers, in particular the Head of Corporate Services, for their tremendous effort in getting the review to this position. He recognised that this had been a difficult and complicated task particular in ensuring that consequential amendments had been addressed. Councillor Cranswick also thanked the Member Panel for their work and their valuable input into the review process. He went on to state that Cabinet agreed with recommendations (A), (C), and (D), of the report however the potential introduction of a 'public questions' facility had exercised the minds of the Member Panel and the Performance Management Board. He stressed that the Member Panel had not reached an agreed view on the matter and therefore there was not a definite conclusion that such a facility would add any value to the way the Council worked.

Commenting further Councillor Cranswick stated that Cabinet believed that having a 'public questions' facility at Council meetings served no useful purpose and that there were numerous other well used ways in which the public could ask questions, for example talking to Councillors directly, writing letters, by telephone or email. The public could also ask a Councillor to ask a question on their behalf at a Council meeting if this was necessary.

By referring to the report Councillor Cranswick drew on the evidence from other Nottinghamshire authorities regarding 'public questions' which had been compiled at the request of the Member Panel. He stated that he believed this clearly demonstrated very little use of the public question facility at other Councils and as such he questioned its value. On this basis Cabinet were of the view that such a facility would add no value to the well used and understood processes already in place. Therefore having considered the recommendation Cabinet did not support the proposal to introduce a 'public

questions' facility on the basis that it did not believe it would assist in securing continuous improvement in the way the Council's functions were exercised.

In conclusion Councillor Cranswick moved that Cabinet support recommendations (A), (C) and (D) of the report and request that these recommendations be submitted to Full Council for approval.

Councillor Hetherington thanked the Performance Management Board (PMB) for their recommendations and went on to draw Members' attention to the transfer of responsibility for overseeing the operation and review of the Constitution to the Corporate Governance Group. He stated that he believed this was consistent with the Group's terms of reference and would help to ensure a clear process was in place for any future reviews of the Constitution. He added that the revisions would also enable the Monitoring Officer, in consultation with the Chief Executive to make minor amendments to the Constitution, within some specific guidelines and this would help to ensure that much of the basic information remained accurate.

Drawing Cabinet's consideration of the report to a close Councillor Clarke stated that he believed there were ample opportunities in existence for the public to ask questions, either through local Councillors or direct to the Council and as such the introduction of a formal facility was not necessary.

**RESOLVED** that Cabinet recommends to Council:-

- a) the amendments to the Council's Constitution as set out at appendices 1, 2, 3 and 4 of the report:  
Part 1 - Summary and explanation  
Part 2 - Articles 1, 2, 3, 4, 5, 6, 9, 13, 14 and 15  
Part 4 – Rules of Procedure – Council Procedure Rules  
Part 4 – Rules of Procedure – Overview and Scrutiny Procedure Rules (from Paragraph 16 (Call-in) onwards only);
- b) the Head of Corporate Services be requested to review (i) the terms of reference for the Employment Appeals Committee and the Officer Employment Procedure Rules, Part 4 – Rules of Procedure and (ii) Part 3 – Responsibility for functions and Article 12 – Officers; and report the findings of these reviews to the necessary Council Committees;
- c) the Member Development Group be asked to consider the Member Panel's report in order to determine areas where training and development would assist in increasing awareness and understanding of the revised Constitution and its operation.

#### 44. **Energy Procurement**

Councillor Cranswick presented a report of the Head of Financial Services updating Members on energy procurement. The Council had engaged services of Buying Solutions as a Central Purchasing Body to purchase energy on the Council's behalf from 1 April 2011. This followed the decision of Nottinghamshire County Council to stop procuring energy on behalf of other local authorities. Work had now been undertaken to evaluate the most appropriate contractual arrangements for procuring the energy as advised by

Buying Solutions. Councillor Cranswick outlined the two options available through Buying Solutions, these being a 'fixed flexible' arrangement or a 'variable flexible' arrangement. The 'fixed flexible' allowed the authority to agree a price to buy energy needs in advance, while the 'variable flexible' had a greater risk, especially in times when prices were volatile. The report indicated that the 'fixed flexible' option gave the most certainty based on the experience of other local authorities. This could show a reduction of between 16% and 35% compared to this year's prices, which equated to a saving of between £35,000 and £78,000 per annum, based on the Council's current energy costs.

In response to a question from Councillor Fearon, Councillor Cranswick confirmed that Buying Solutions was a government sponsored, non profit making organisation.

**RESOLVED** that:-

- a) the Council enters into a three year arrangement with Buying Solutions with the first energy procurement commencing on 1 April 2011 for a 6 month period, and
- b) on 1 October 2011 the Council enters into a three year fixed flexible arrangement with Buying Solutions with the prices being fixed for 12 month periods.

**45. Capital Budget Monitoring October 2010**

Councillor Cranswick presented the report of the Head of Financial Services detailing the Capital Budget Monitoring as at October 2010. The report indicated that the position was such that after seven months of the financial year, the difference between the gross Capital Budget and the expected final spend for the year equated to an under-spend of £741,466.

By referring to the table at paragraph two of the report Councillor Cranswick highlighted the schemes for which significant variance was anticipated. He explained that with regard to the Customer Contact Centre this was showing a potential saving of £96,000, however in view of the Leader's earlier announcement regarding the contractor, this position could change. He went onto to state that it was proposed that the £450,000 projected underspend on the Community Contact Centre Spokes would be re-phased into 2011/12. With regard to the West Bridgford Environmental Improvements Scheme Councillor Cranswick stated that provision would be accelerated from 2011/12 for the projected over-spend and in respect of the vehicle replacement under-spend of £198,490 this would be re-phased to 2011/12.

In conclusion Councillor Fearon commented on the recent highways work being undertaken in West Bridgford and the impact of this on the environmental improvements previously undertaken there. Councillor Clarke stressed that it was important that any necessary remedial work was undertaken by the contractor to ensure the area was returned to how it was before the highways works. In response to these comments the Deputy Chief Executive (PR) indicated that he understood the works to be emergency electrical repairs under the responsibility of the County Council. He added that

in view of Cabinet's comments he would make arrangements to monitor the remedial work to be undertaken by the contractor upon completion of the emergency works.

**RESOLVED** that the Capital Budget Monitoring position as at October 2010 be noted.

46. **Revenue Budget Monitoring October 2010**

Councillor Cranswick presented the report of the Head of Financial Services on the Revenue Budget Monitoring which showed an overall under-spend as at the end of October of £359,814. This included interest income which showed a favourable variance of £40,897 and a current under-spend for services of £318,917. By referring to the table at paragraph three of the report Councillor Cranswick explained the savings and other variances anticipated by the end of the financial year and stated that in the case of Land Charges income the government had concluded that personal searches related to Environmental information and as such should be provided free. He added that it was anticipated that the variance with regard to Refuse would be adjusted within budget by the end of the year.

With regard to the significant loss of Land Charges income the Chief Executive explained that the Local Government Association (LGA) had been making representations to government on this issue. These representations had set out the impact of the reduction of income to local Councils and called upon government to redress this through the grant settlement process. However at this stage it was not clear if the LGA's lobbying had been successful. Councillor Clarke referred to the valuable lobbying undertaken by the District Councils' network which had been making representation to government in respect of enabling authorities to set their own planning fees and he stated that he hoped that the LGA's work would be successful in respect of Land Charges income.

**RESOLVED** that the action being taken with regards to the Revenue Budget Monitoring be endorsed.

47. **Member Learning and Development Policy**

In the absence of Councillor Mrs D Mason, Councillor Fearon introduced the report of the Head of Corporate Services detailing the revised Member Learning and Development Policy. He stated that the first Member Learning and Development Policy had been adopted by Council in November 2008, however it had been recognised that the Policy needed to be refreshed in order to reflect the changes within local government.

Councillor Fearon stated that the Member Development Group had considered the revised Policy on two occasions and had made a number of comments which had been incorporated into the revised Policy. He added that the Group had welcomed the revised Policy and he believed that Councillors were now taking greater responsibility for their own development, primarily through the activities delivered as part of the Nottinghamshire Member Development Programme.

Councillor Fearon thanked those involved in the regional programme and also Rushcliffe Councillors for their commitment, participation and continued involvement. Referring to the report he stated that the Member Development Group had also asked that the induction programme be extended to include a session on what the Council did and what its strategic priorities were. In conclusion Councillor Fearon stated that Cabinet believed the Policy was the cornerstone to Member Development and that it would assist in achieving the Member Charter accreditation which was due to take place in March 2011.

Councillor Cranswick commented that he had recently attended a number of the events on the Nottinghamshire programme and that there had been a considerable improvement from previous events he had attended. He believed these events targeted the needs of Councillors effectively and helped to support them in their roles as community leaders.

Councillor Clarke noted Rushcliffe Councillors attendance at events within the Nottinghamshire programme far outweighed that of Councillors from other local authorities evidencing the Council's commitment to development and effective community leadership and the value of the sessions delivered.

**AGREED** that Members recommend the Member Learning and Development Strategy to Council for approval.

48. **Sutton Bonington Conservation Area Review**

In the absence of Councillor Bell, Councillor Hetherington presented a report of the Head of Planning and Place Shaping outlining the review of the Sutton Bonington Conservation Area. The report stated that the Conservation Area had been appraised and its boundary reviewed as part of a programme to review all the Conservation Areas within the Borough.

Commenting further Councillor Hetherington explained that the review proposed changes to the boundaries as set out in the plans at Appendix 2 of the report. He explained that the Appendix detailed the new areas to be included in the boundaries and clarified the proposed boundary changes.

**RESOLVED** that pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, changes to the boundary of the Sutton Bonington Conservation Area be designated as shown on the plans included in the report and notice be given in accordance with the statutory requirements.

The meeting closed at 7.30 p.m.

CHAIRMAN