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**Our reference:** Liz Reid-Jones  
**Your reference:**  
**Date:** 29 November 2010

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 7 December 2010 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Head of Corporate Services

### ***AGENDA***

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the Meeting held on Tuesday 9 November 2010.
4. Constitution Review Member Panel Report and Recommendations  
The report of the Performance Management Board.
5. Energy Procurement  
The report of the Head of Financial Services.
6. Capital Budget Monitoring October 2010  
The report of the Head of Financial Services.
7. Revenue Budget Monitoring October 2010  
The report of the Head of Financial Services.
8. Member Learning and Development Strategy  
The report of the Head of Corporate Services.
9. Sutton Bonington Conservation Area Review  
The report of the Head of Planning and Place Shaping.

## Membership

Chairman: Councillor J N Clarke

Vice-Chairman: Councillor J A Cranswick

Councillors: D G Bell, J E Fearon, R Hetherington, Mrs D J Mason

<b>Meeting Room Guidance</b>
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**Toilets -** Facilities, including those for the disabled, are located opposite Committee Room 2.

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**MINUTES  
OF THE MEETING OF THE  
CABINET  
TUESDAY 9 NOVEMBER 2010**

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

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillors S J Boote, C J Evans, R M Jones, A MacInnes, G R Mallender and B Venes.

**OFFICERS PRESENT:**

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

33. **Declarations of Interest**

There were none declared.

34. **Minutes**

The minutes of the meeting held on Tuesday 12 October 2010 were approved as a correct record and signed by the Chairman.

35. **Leadership Model and Executive Arrangements**

Councillor Clarke presented the report of the Head of Corporate Services setting out the responses to the consultation undertaken on the Council's Leadership Model and Executive arrangements. He went on to explain that at its meeting in June Cabinet had considered a report setting out proposals arising from the required changes to the Council's Leadership Model resulting from the Local Government and Public Involvement in Health Act 2007. He also explained that as a District Councils these changes had to be approved by the end of December 2010.

Councillor Clarke explained that having considered the matter in June Cabinet had indicated that, subject to the results of the consultation, which had now been 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. Commenting further Councillor Clarke gave a summary of the consultation responses as set out at appendix A in the report. He added that

as a result of the consultation responses, and Cabinet's previous indication that the Leader and Cabinet Model would be most likely to assist in securing continuous improvement the report suggested that this form of 'Executive Arrangements' be recommended to Council.

Councillor Clarke explained that the implementation of this model of 'Executive Arrangements' would require some minor changes to the Council's Constitution and as such these were set out at appendix B in the report. Furthermore the report recommended that these changes be referred to the next meeting of Council for agreement in order to ensure that the necessary arrangements were in place for the Annual Council meeting after the local elections in May 2011.

AGREED that Cabinet recommended to Council:

- (i) the Leader and Cabinet Model is the preferred option for the Leadership Model and Executive arrangements as it would be most likely to assist in securing continuous improvement in the way the Council's functions are exercised; and
- (ii) the necessary changes to the Council's Constitution be made, as set out at Appendix B of the report enabling the preferred Leadership Model and Executive arrangements to be implemented at the next Annual Council meeting in May 2011.

36. **Discretionary Rate Relief for Charitable and Non Profit Making Organisations**

Councillor Cranswick presented the report of the Head of Revenues and ICT Services which indicated that Councils had the discretionary power to grant rate relief to eligible non-domestic ratepayers under the provisions contained in Section 47 of the Local Government Finance Act 1988.

Commenting further Councillor Cranswick stated that in support of its discretionary power the Council needed to ensure that clearly understood policies for determining the granting of relief were in place. He explained that the present policy relating to the discretionary relief was last reviewed by Cabinet in July 2006, and was in effect until 31 March 2012. However there was a requirement for the policy to be reviewed during the 2010/11 financial year as twelve months notice of any variation to the level of relief awarded must be given to qualifying organisations. As such the report set out the policy and the associated criteria and invited Cabinet to consider these with a view to renewing it for a further 4 years, with effect from 1 April 2012. The report indicated that there were no proposed changes to the policy.

In conclusion Councillor Cranswick stated that the report set out in detail the eligibility and assessment criteria for application of the discretionary relief. He added that the report also set out the guidance produced by the Department for Communities and Local Government that should be used when assessing organisations for eligibility.

AGREED that Cabinet renews the existing Discretionary Rate Relief for Charitable and Non Profit Making Organisations policy, with effect from 1 April 2012 for a further 4 years.

### **37. Licensing of Sexual Entertainment Venues**

Councillor Fearon presented the report of the Head of Corporate Services which recommended the adoption of legislation extending the licensing regime that applies to sex shops and sex cinemas to other sexual entertainment venues, such as lap dancing clubs. He stressed that whilst there were no such venues in the Borough it was prudent for the Council to adopt the legislation in order that it was able to properly deal with any applications for a licence which could be submitted in the future.

By referring to the report Councillor Fearon explained that the Local Government (Miscellaneous Provisions) Act 1982 had introduced a licensing regime for sex establishments including sex shops and sex cinemas. This legislation was adoptive which meant that the Council had to formally adopt it in order to enforce it. As such the Council had resolved to adopt the relevant parts of the 1982 Act from 1 January 1983.

The report explained that other forms of sexual entertainment (e.g. lap dancing clubs) fell to be licensed under the old public entertainment licensing system, which itself was replaced by the new alcohol and entertainment regime under the Licensing Act 2003. As such none of the more rigorous controls specific to sex establishments could be applied by Councils outside of London which had its own licensing legislation. Consequently the Policing and Crime Act 2009 sought to address this issue by amending the 1982 Act to include 'sexual entertainment venues' thus giving the Council the option to re-adopt the 1982 Act provisions as amended.

The report set out the process for the adoption of the legislation and highlighted that if the Council did not resolve to adopt the amended 1982 Act provisions by 6 April 2011, it must carry out a consultation exercise with local people before deciding whether to adopt. By referring to the report Councillor Fearon explained that the wider powers available under the 1982 Act included the power to impose conditions for example in relation to opening hours, adverts and the visibility of interiors to passers by. Furthermore Councils would also be able to refuse to grant or renew a licence on the grounds that such an establishment would be inappropriate having regard to the character of the area and the use of other premises in the area, for example local schools.

Councillor Hetherington stated that he believed the adoption of the legislation was a useful tool that could assist Councils in regulating any such venues and he referred to the work of other local authorities who had been able to use the additional powers to address problem premises.

In conclusion Councillor Fearon stated that adoption of the legislation supported the Council's work in delivery of responsibility to prevent and deter crime and disorder. This was on the basis that it gave the Council greater controls to regulate and control sexual entertainment venues and therefore it

was considered appropriate that the Council resolved to adopt the 1982 Act provisions as amended.

AGREED that Cabinet recommends to Council that pursuant to paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009, the Council resolves that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the said 2009 Act, shall apply to the Borough of Rushcliffe with effect from 1 February 2011

38. **Establishment of a Non Profit Distributing Arrangement for the Leisure Management Contract with Parkwood Leisure Ltd**

Councillor Fearon presented the report of the Head of Partnerships and Performance setting out proposals for the establishment of a Non Profit Distributing Organisation (NPDO) for Parkwood Leisure Ltd. The report indicated that the establishment of the NPDO would realise significant financial benefits through the ability to claim discretionary rate relief on the business rates payable for the five leisure centre sites covered by the Council's Leisure Management Contract. The report also indicated that this opportunity was identified for implementation following agreement of the 2010/11 budget proposals by Council on 4 March 2010.

Commenting further on the report Councillor Fearon stated that detailed negotiations had been taking place with Parkwood Leisure Ltd on the contractual elements of the proposal. He added that details of this were set out in the report which also summarised the negotiations and an agreed position meeting both parties' requirements. He believed that the proposal provided a clear, satisfactory and secure way forward for the Council and he made reference to the overall financial benefits as set out in paragraph 22 of the report.

Councillor Fearon went onto explain that during the negotiations Parkwood Leisure Ltd had been insistent that the five year contract extension and changes to the basket of terms and conditions were essential elements. However the Council had been equally insistent that its risk be minimised and that the five year extension continued to provide good value for money. In view of this external legal advice had been sought in order to assess and evaluate risks in relation to a potential procurement challenge and as such the report indicated that officers were assured that this presented no significant risk.

With regard to Council liability and risk Councillor Fearon explained that this was covered in the report. He added that throughout the process the Council had taken external legal advice in relation to the potential change to the contract and any associated risks. This advice had highlighted that the principal risk for the Council was that National Non Domestic Rate (NNDR) relief was not granted or that a change in legislation prevented it in future.

The report explained that the original terms offered by Parkwood Leisure Ltd had proposed that in the event of a failed application or a change of law then all associated costs of reversion (including Parkwood's) should be borne by the Council. This would have created an unquantifiable risk to the Council and following further negotiations and legal advice it was agreed that the Council's liability in this eventuality, would be capped at £10,000.

The report indicated that the existing contract documentation provided significant protection against risks such as poor performance, change in the leisure portfolio and economic circumstance and there were strategic and operational governance regimes in place to monitor these arrangements. The contract with Parkwood Leisure Ltd had been in operation since August 2007 and had been subject to regular performance monitoring through the established scrutiny process.

Making reference to paragraph 14 in the report Councillor Clarke sought clarification of the terminology 'sub-contract' and 'sub-lease'. In response Councillor Fearon stated that the arrangement would require the establishment of a sub-contract of the services to the NPDO by Parkwood Leisure Ltd. Additionally there would be associated sub-leases of the relevant premises that had been previously leased to Parkwood Leisure Ltd by the Council. Commenting further on this the Head of Partnerships and Performance (DM) stated that this was correct and the arrangements outlined were within the legal framework for the proposal.

Councillor Cranswick stated that the proposal in the report offered the Council a five year extension to the contract for an additional £565,000, which equated to approximately £113,000 per year. He added that he supported the proposal as it provided significant security for the Council going forward.

AGREED that:

- a) the proposal put forward by Parkwood Leisure Ltd to establish a new contractual arrangement for the Council's leisure management contract covering the creation of an NPDO be accepted.
- b) a five year extension of the contract and the proposed changes to the basket of terms be agreed.

### 39. **Accommodation for Rushcliffe Community and Voluntary Service**

Councillor Cranswick presented the report of the Head of Community Shaping which set out the current accommodation leased to Rushcliffe Community and Voluntary Service (RCVS) at Park Lodge. The report also detailed proposals for alternative more suitable accommodation at Bridgford House (the Civic Centre building) because RCVS receive grant funding from the Council and as such were not a standard commercial tenant.

Councillor Cranswick explained that RCVS had been based in Park Lodge since 1997, and they also had some additional office space in the Civic Centre including an office on level 4 and a workstation in the Strategic Housing service. He also explained that the report set out details of the other services provided by RCVS in addition to its representation and advocacy role.

By referring further to the report Councillor Cranswick explained that RCVS leased Park Lodge from the Council however the accommodation was not suitable. This was because Park Lodge had limited accessibility, was not designed as an office space and had limited insulation and was expensive to

run. Furthermore it was not large enough to house and properly accommodate all of the RCVS team.

Commenting further Councillor Cranswick stated that as part of the development of the proposal within the report consideration had been given to a range of alternative options including extending Park Lodge and refurbishing the Stable Block. These options had previously been investigated as potential solutions to the accommodation issues but had not been pursued due to significant associated costs and planning implications.

Councillor Cranswick went on to comment that the proposal did raise issues in relation to the future of Park Lodge, however the report specifically related to the issue of accommodation for RCVS. He added that the future of Park Lodge would have to be considered in line with the Council's policy in relation to asset management and disposal and this process would identify and evaluate the options.

Councillor Clarke asked if any figures had been obtained in order to evaluate the potential cost of any options for the future of Park Lodge. In response Councillor Cranswick indicated that such information would form part of the process for identifying and evaluating options for its future and officers had been requested to undertake a detailed appraisal of the options. The Head of Revenues and ICT Services (SGR) stated that the work undertaken would obtain the costs of options so an appraisal could be done to identify the most appropriate way forward. Commenting further on this the Chief Executive reminded Cabinet that the report related to a decision on the accommodation for RCVS and the future of Park Lodge would be dealt with separately. He added that he recognised that the future of Park Lodge was an issue which needed to be addressed and this would be done in line with the Council's established approach to the management and disposal of its assets.

There followed a discussion relating to the length of lease and the Chief Executive stated that any arrangements would aim to give the Council flexibility for the future use of the building whilst giving some certainty to the RCVS. He added that it was likely the lease period would be reflective of the funding arrangements for voluntary sector organisations which required a 12 month exit notification. Councillor Cranswick stated that he believed the arrangement provided flexibility as it was on a rolling basis, however it gave RCVS confidence in respect of their future accommodation.

In conclusion Councillor Cranswick stated that the report's recommendation set out the best way forward and would help to address issues in relation to the suitability of the accommodation used by providing a secure and sensible solution for both parties.

AGREED that Cabinet approves that Rushcliffe Community and Voluntary Service (RCVS) be offered alternative accommodation at Bridgford House (the Civic Centre building).

The meeting closed at 7.25 pm.

CHAIRMAN





**CABINET**

**7 DECEMBER 2010**

**REPORT OF THE CONSTITUTION REVIEW  
MEMBER PANEL - RECOMMENDATIONS OF THE  
PERFORMANCE MANAGEMENT BOARD**

**4**

## **Summary**

This report sets out the recommendations of the Panel in order that they are considered by Cabinet prior to submission to Council.

## **Recommendation**

The Performance Management Board recommends to Cabinet:

- A) the amendments to the Council's Constitution set out within the following draft documents:
- Part 1 - Summary and explanation – **Appendix 1**
  - Part 2 - Articles 1 to 16 – **Appendix 2**  
*(Only Articles 1, 2, 3, 4, 5, 6, 9, 13, 14 and 15 have been amended. As there are no changes to Articles 7, 8, 10, 11, 12 and 16 these are not included in appendix 2)*
  - Part 4 – Rules of Procedure – Council Procedure Rules only – **Appendix 3**
  - Part 4 – Rules of Procedure – Overview and Scrutiny Procedure Rules (from Paragraph 16 (Call-in) onwards only) – **Appendix 4**  
*(Note: The amended text is underlined within the text of each appendix but not in appendix 4 as this is replacement text)*
  - Part 3 – Responsibility for functions recommendation C (ii) below sets out the proposal that a separate review of this to be undertaken.*
  - Part 5 – Codes and Protocols and Part 6 – Members Allowances are not included as no changes have been proposed.*
- B) the introduction of a public questions facility with the necessary text being added to the Constitution to reflect this – **Appendix 6**,
- C) that 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.
- D) that 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.

## Details

1. The report of the Member Panel was considered by the Performance Management Board at its meeting on 24 November. 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
2. In summary the key areas that the review focused 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
3. The substantial areas of review and revision considered by the Panel and recommended to Cabinet by the Performance Management Board are set out as follows:

a) **Council Procedure Rules – Part 4 Rules of Procedure**

The draft text for the revised Council Procedure Rules is set out at **Appendix 3** of the report. In summary the proposed changes aim to:

- Provide clarity in relation to the use of substitutes replacing the separate protocol previously agreed by the respective Group Leaders
- Set out clear requirements for the submission of questions and motions
- Reduce the number of supplementary questions to one providing clearer guidance on relevance
- Ensure the rules reflect the Council's agreed petitions scheme

At its meeting on 24 November 2010 the Performance Management Board requested that the Council Procedure Rules also make reference to the separate protocol previously agreed by the Group Leaders in respect of 'Attendance of other Members at Member Working Groups and Panels'. Subsequently a sentence has been added to the Council Procedure Rules at paragraph 4.9 to reflect this with the protocol remaining within Part 5 – Codes and Protocols of the Constitution.

b) **Overview and Scrutiny Procedure rules – Call-in – Part 4 Rules of Procedure**

The recommended text for the revised Scrutiny Call-in rules is set out at **Appendix 4**. This text replaces the existing words from Paragraph 16 onwards and in summary the changes relate to the call-in request form, evidencing which of the decision making principles have been breached and the timescale for the call-in to be heard. Furthermore the changes aim to enable valid call-in requests to be considered by the most

appropriate Scrutiny Group and not solely by the Performance Management Board.

Following discussions with the Chair of the Performance Management Board minor amendments have been made to the 'Call-in process – explanatory note' (Annex A of Appendix 4 of the report). These relate to stage 6 in the note and the options available to the Scrutiny group when they have considered a call-in. These minor amendments ensure that the options available are linked to the decision making principles.

c) **Process for changes to the Constitution**

The Performance Management Board supported the Member Panels recommendations that the process for review of the Constitution should fall within the role and remit of the Corporate Governance Group prior to the Cabinet and Council approval process. As such Article 15 within Part 2 of the Constitution has been revised to reflect this. Provision has also been made for the minor amendments to be made to the document by the Head of Corporate Services in consultation with the Chief Executive within some set definitions, agreed by the Member Panel, to clarify what a 'minor revision' would be. These amendments are set out within appendix 2 of the report.

d) **Public questions**

The introduction of a public questions facility at meetings of the full Council was considered in detail by the Member Panel on three occasions. At its meeting on 1 September the Member Panel considered a list of 14 Councils from across Nottinghamshire and the adjoining area, which showed if they had a public questions facility in place. The Panel also considered 27 responses to an electronic survey sent to over 30 local authorities in order to evaluate the effectiveness of such a facility. Copies of these documents are attached as **appendix 5A and 5B**.

Having considered the information presented to it the Member Panel was unable to reach an agreed view on the issue of the introduction of a public questions facility at meetings of the full Council. Subsequently the matter was considered by the Performance Management Board at its meeting on 24 November. The Board agreed to recommend the introduction of such a facility to Cabinet and consequently **appendix 6** sets out the necessary text that would need to be inserted into the Council Procedure Rules to reflect this. If Cabinet were to recommend the introduction of a Public Questions facility then it would be necessary to make some further minor revisions to a number of parts of the Constitution in order for this to be considered by Council when it makes a decision on the review.

e) **Employment Appeals Committee**

As part of the review the Member Panel considered the role of the Employment Appeals Committee at its meetings on 1 September and 6 October. It also considered the Committee's terms of reference recognising how these were too far reaching and beyond what was originally expected, particularly as they included grievances and grading matters which were covered by established internal procedures. Furthermore the role and remit of the Committee was in

direct contradiction of the scheme of delegation which gives power on all staffing matters including recruitment and dismissal to the Chief Executive. The Member Panel also considered and discussed the appropriateness of Members being involved with employment matters, the delay in setting up meetings of the Committee, the external appeal mechanism to an Employment Tribunal, the ACAS<sup>1</sup> Code of Practice introduced in April 2009 and alternative internal arrangements for such appeals to senior officers.

In view of its discussions regarding the Employment Appeals Committee the Member Panel recognised that its terms of reference should be reviewed and requested that this be undertaken as a separate piece of work following the conclusion of the review of the Constitution. This was supported by the Performance Management Board and is reflected in recommendation C (i) of the report.

f) **Other areas which have been revised**

As part of the review process there were others areas where the Member Panel considered and recommended amendments which were supported by the Performance Management Board. These are reflected in **appendices 1, 2, 3 and 4** of the report and in summary these are:

**Part 1**

**Summary and explanation** – *This has been brought up to date in order that it accurately reflects the present Scrutiny arrangements and the rights of citizens in respect of petitions and complaints.*

**Part 2**

**Article 2 – Members of the Council** – *this section has been amended in order that the Councillor Role profiles agreed by the Member Development Group form part of the ‘Job Profiles’ for non executive members. This supports the work being undertaken to achieve Member Development Charter Accreditation which requires such profiles to reflect the roles of Members as community leaders and the skills required.*

**Article 3 – Citizens and the Council** – *as set out at paragraph eight of this report the Panel were unable to reach an agreed view on the introduction of a public questions facility at meetings of full Council. Subsequently the Performance Management Board have recommended that such a facility be introduced and if this is supported by Cabinet and agreed by Council then this section would need to be amended to reflect this. This section has been amended to reflect the rights of citizens in respect of the agreed petitions scheme the Council now has in place.*

**Article 6 – Scrutiny Committees** – *changes have been made to ensure this Article reflects the present Scrutiny arrangements. Additionally these changes reflect the Panels suggestion that the process for monitoring and reviewing the operation of the Constitution should fall within the remit of the Corporate Governance Group.. The changes to this section also ensure it reflects scrutiny’s role in relation*

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<sup>1</sup> Advisory, Conciliation and Arbitration Service – which aims to improve organisations and working life through better employment relations

*to a revised call-in procedure, the establishment of Member Panels and the Councillor Call for Action process. These changes were supported by the Performance Management Board.*

**Article 9 – Standards Committee** – *minor revisions have been made to this to ensure its role reflects what is said in the Council’s agreed Members’ Complaints procedure.*

**Article 12 – Officers** – *the review highlighted that this section did not reflect the current structure of the organisation and as such the Member Panel suggested that this required revision. Because this Article links closely with the scheme of delegation as set out at ‘Part 3 – Responsibility for Functions’ in the Constitution it is recommended that it be revised when Part 3 is reviewed as per Recommendation C (ii) of the report. .*

**Article 13 – Decision Making** – *the review highlighted that further guidance would be helpful in relation to the definition of a key decision. Therefore text has been added to assist in the definition of a ‘significant’ effect in terms of its effects on communities living or working in any wards or electoral divisions in the area of the local authority. This is highlighted as underlined text at paragraph 13. 3 of Article 13, contained within **appendix 2** of the report.*

**Part 3 – Responsibility for functions** - *The review highlighted that the scheme of delegation as set out in this part of the Constitution was out of date and not in line with the Council’s structure. As such recommendation C (ii) of the report suggests that a review of the scheme of delegation should take place as a separate piece of work. As set out in the previous paragraph on ‘Article 12 – Officers’ a review of this Article should also form part of the review of the scheme of delegations to ensure accuracy and consistency.*

#### **Part 4 – Rules of Procedure**

**Access to information** – *This part of the review highlighted that the Forward Plan required some revisions so that it was more detailed, giving a clearer indication of the business of the Council’s Cabinet. Furthermore revisions to the Forward Plan should support changes to the Cabinet report format in order that it was more in line with the legislative requirements and worked to inform scrutiny work programmes. This review should ensure that revised versions are in place by June 2011.*

### **Risk and uncertainties**

4. The review process identified that the Constitution had not been reviewed or revised for some time and as such it did not reflect legislative requirements or how the Council worked. Whilst the review process will help to address many of these issues the changing nature of local authority business means that issues may arise in future as the document evolves. As such the review process has evidenced an effective method for dealing with future revisions.
5. The review process also helped to highlight the need to ensure the Constitution provides effective processes for the Council’s decision making,

giving due regard to transparency, accountability and the rights and expectations of residents.

### **Financial Comments**

There are no direct financial implications arising from this report.

### **Section 17 Crime and Disorder Act**

Having a modern Constitution which is fit for purpose and reflective of local and national expectations supports delivery of the Council's duty to prevent crime and disorder by ensuring the legality and effectiveness of its decision making process.

### **Diversity**

There are no direct equality and diversity implications arising from this report. However in order for the Council to effectively fulfil its obligations and expectations with regard to diversity and equality it is essential it has a modern and robust Constitution enabling engagement from all sections of the community.

### **Background Papers Available for Inspection:**

Rushcliffe Borough Council Constitution

Local Government & Public Involvement in Health Act 2007

Local Democracy, Economic Development and Construction Act 2009

## **SUMMARY AND EXPLANATION**

### **The Council's Constitution**

The constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles, which set out the basic rules governing the Council's business.

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **What's in the Constitution?**

Article 1 sets out the purpose of the Constitution, which is aimed at providing efficient, transparent and accountable decision-making and commits the Council to maintain close links with the people we serve, listening and responding to the views and needs of our citizens and customers, and speaking on behalf of the people of Rushcliffe on issues which impact on our community. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The executive (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Area Consultation Arrangements (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

## How the Council Operates

The Council is composed of 50 Councillors elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader who will select the members of the Cabinet.

The Cabinet is responsible for most day-to-day decisions and is made up of the Leader and five other Members appointed by the Leader.

When decisions are to be discussed or made [by Cabinet](#), these are published in the [Council's](#) forward plan in so far as they can be anticipated. Meetings of the Cabinet are open to the public to attend except where exempt or confidential matters<sup>1</sup> are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Decisions of the Cabinet will be subject to scrutiny through the Scrutiny Groups appointed by the Council and also a call-in procedure referred to below.

## Overview and Scrutiny

The Council has reviewed its scrutiny arrangements several times since the introduction of the concept in the Local Government Act 2000. The current arrangements were approved by Council in April 2007 following the publication of the Government White Paper – “Strong and Prosperous Communities”

They now comprise two ‘backward looking’ groups , the Performance Management Board responsible for performance monitoring and the Corporate Governance Group responsible for governance; and two ‘forward looking’ groups, known as [the Community Development Group and the Partnership Delivery Group](#).

The scrutiny process allows citizens to have a greater say in Council matters by considering matters of local concern. It can lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Cabinet.

Members can ‘call in’ a decision, which has been made by the Cabinet but not yet implemented. This enables the scrutiny committee to consider whether the decision is appropriate. Scrutiny committees may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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<sup>1</sup> Access to Information – these are contained within Part 4 section 10.4 of this constitution



## The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

## Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, they have additional rights which may be set out in statute or regulations. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, Cabinet, Scrutiny Committees and other Committees except where exempt or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of executive;
- present a petition to the Council [in line with the Council's agreed Petitions Scheme](#)
- contribute to issues under consideration by the Scrutiny Committees through the consultation process;
- find out, from the [Council's](#) forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council if they are dissatisfied with the service they receive [in line with the Council's published Customer feedback procedure](#).
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the [Council if they](#) have evidence which they think shows that a Councillor has not followed the Council's Code(s) of Conduct [in line with the Council's published Members' Complaints Procedure](#); and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

**ARTICLES OF THE CONSTITUTION**

**ARTICLE 1 – THE CONSTITUTION**

**1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

**1.2 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Rushcliffe Borough Council.

**1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create an effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

**1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15

## **ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

#### **(a) Composition**

The Council comprises of 50 members, otherwise called Councillors. Between one and three Councillors are elected by the voters for the 28 wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. Information about the wards and the elected members for each ward can be obtained from the Council's Democratic Services Manager and is also available on the Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

#### **(b) Eligibility**

Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of Councillor.

### **2.2 Election and terms of Councillors**

#### **Election and terms**

The regular election of Councillors will be held on the first Thursday in May every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next ordinary election.

### **2.3 Roles and functions of all Councillors**

#### **(a) Key roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) act in the best interests of the Rushcliffe community as a whole
- (iii) be available to represent the Council on other bodies;
- (iv) maintain the highest standards of conduct and ethics;
- (v) effectively represent the interests of their ward and of individual constituents;
- (vi) respond to constituents' enquiries and representations, fairly and impartially;
- (vii) participate in the governance and management of the Council.

**(b) Job profiles**

**(i) Cabinet Member**

**Purposes:**

1. To participate constructively in the good governance of an area and to provide strategic leadership.
2. To contribute actively to the formation of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the Council on an outside body, if appointed.
6. To ensure that the Authority successfully discharges its overall responsibilities.

**Key Tasks:**

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and to participate in those decisions and activities reserved to the full Council.
2. To participate effectively to the decision-making process as a member of the Cabinet.
3. To participate effectively as a member of any committee or group to which the councillor is appointed, and to liaise with other public bodies to promote better understanding and partnership working.
4. To participate in the activities of any outside body to which the councillor is appointed, providing two-way communication between the organisations. Also for this purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.

5. To participate, as appointed, in any area and service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various fora available.
7. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Authority.
8. To develop a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.

(ii) **Non-Executive Councillor**

**Purposes:**

1. To participate constructively in the good governance of an area.
2. To contribute actively to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best related to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the Council on an outside body, if appointed.

**Key Tasks:**

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority

itself, including compliance with all relevant codes of conduct, and to participate in those decisions and activities reserved to the full Council.

2. To participate effectively as a member of any committee or group to which the councillor is appointed, and to liaise with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of any outside body to which the councillor is appointed, providing two-way communication between the organisations. Also for this purpose, to develop and maintain a working knowledge of the Authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the Authority including where the Authority has so decided, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Authority.
5. To participate, as appointed, in any area- and service-based consultative processes with the community and with other organisations.
6. To represent the Authority to the community, and the community to the Authority, through the various fora available.
7. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Authority.
8. To develop a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.

## **Skills:**

### *As Community Leaders:*

1. Build effective relationships with all sections of the community so as to represent their views to the Council
2. To engage all sections of the community to learn and act upon issues of local concern
3. Seek opinion and new ways of representing others
4. Keep up to date with issues of concern
5. Speak for all sections of the community and work with partners
6. Mediate fairly in the community and campaign on behalf of others
7. To undertake casework for constituents and act as an advocate in resolving concerns
8. To contribute to the debate at full Council meetings
9. To represent the Council to the community and the community to the Council
10. To represent the Council on outside bodies and to participate effectively in the appointed role, and where appropriate, to represent those bodies within Rushcliffe
11. To participate in the activities of any political group of which you are a member.

### *In Partnership*

1. To be aware of the needs of other partners, eg Police,
2. To use influence as an elected representative to develop links between groups and communities in the Ward and local area
3. To forge local partnerships to ensure resources are used to meet the needs of the area
4. To work with Parish Councils taking into account the differences between rural and urban communities

### *General*

1. To fulfil the legal and local requirements placed on an elected member, in accordance with the Member Code of Conduct and the officer/member protocol
2. To be responsible for your own personal development and undergo appropriate development and continuous improvement for any role undertaken.
3. Ability to lead and champion the interests of the local community
4. Influencing and persuading, managing conflict and mediation
5. Ability to chair meetings and facilitate discussions
6. Develop relationships with key officers and partner agencies

### *Communication*

1. talk and listen sensitively to people in the community
2. develop a positive relationship with the local media
3. provide information about Council decisions
4. use 'plain' English – both written and spoken
5. public speaking and presentation skills
6. be realistic about what can be achieved

### *Knowledge*

1. how the Council works
2. Council structure, key contact officers, services and procedures
3. Code of Conduct for Councillors and member/officer protocol
4. decision making process
5. strategic priorities and key policies of the Council
6. local government finances and audit process
7. Council's complaints procedure
8. Understanding of legislation and Council policies which Councillors must follow, eg Freedom of Information, Data Protection, equality legislation
9. impact of national policies on the Council
10. basic understanding of local government finances and audit processes

### ***Political understanding***

1. to act ethically, consistently and with integrity when communicating values or representing political group views in decisions and actions
2. to work across group boundaries without compromising values or ethics
3. to work as a team player part of a wider team
4. recognise the achievements of others

### **(c) Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iv) Councillors will abide by the Councillor : Staff Protocol and the provisions within it



## 2.4 **Conduct**

Councillors will at all times observe the Members' Code of Conduct set out in Part 5 of this Constitution. They will also comply with the Council's Councillor : Staff Protocol.

## 2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## **ARTICLE 3 – CITIZENS AND THE COUNCIL**

### **3.1 Citizens' rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

#### **(a) Voting and petitions**

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution. Citizens can also [submit petitions to the Council in line with the Council's published Petitions Scheme which is available on the Council's website or from the Democratic Services Manager.](#)

#### **(b) Information**

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet, Scrutiny Committees, committees and other member groups, except where confidential or exempt information is likely to be disclosed;
- (ii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

#### **(c) Participation**

Citizens have the right to present petitions to the Council [in line with the Council's published Petitions Scheme](#) and contribute to issues under consideration by Scrutiny Committees through the consultation process.

#### **(d) Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) [To the Council](#) about a breach of the Councillors' Code of Conduct [in line with the published Members' Complaints procedure.](#)

### **3.2 Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

## **ARTICLE 4 – THE FULL COUNCIL**

### **4.1 Meanings**

#### **(a) Policy Framework**

The policy framework means the following plans and strategies:-

- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Development Plan Documents

#### **(b) Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

### **4.2 Functions of the full Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader
- (e) approving the delegation scheme, including delegation of executive functions;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies;

- (h) adopting an allowances scheme under Article 2.5;
- (i) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (j) confirming the appointment of the head of paid service; [the S151 Officer and the Monitoring Officer in line with Part 4, Rules of Procedure, Officer Employment Procedure rules](#);
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.

#### 4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### 4.4 Responsibility for functions

Responsibilities for the Council's functions, which are not the responsibility of the Cabinet [as](#) set out in Part 3 of this Constitution.

## **ARTICLE 5 – CHAIRING THE COUNCIL**

### **5.1 Role and function of the Mayor**

The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

- Representing the Council through his/her civic role
- Chairing Council meetings

The Mayor will be elected by the Council annually and will have the following responsibilities:

- a) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- b) to uphold and promote the purposes of the Constitution;
- c) to preside over meetings of the Council so that
  - i) its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community and
  - ii) proceedings comply with the Council Procedure Rules, Part 4 Rules of Procedure;
- d) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet members and committee Chairmen to account.

## **ARTICLE 6 – SCRUTINY COMMITTEES**

### **OVERVIEW AND SCRUTINY – GENERAL COMMENTS**

#### **6.1. Terms of Reference**

The Council has appointed the following Scrutiny Committees under section 21 of the Local Government Act 2000, with the terms of reference set out in paragraphs 6.3 to 6.9 below;

Performance Management Board  
Corporate Governance Group  
Community Development Group  
Partnership Delivery Group

6.2 The role of scrutiny committees is further explained in paragraphs 6.7 and 6.8 below.

#### **6.3 Performance Management Board**

To act as the Council's principal scrutiny committee in respect of the scrutiny of performance, including –

- Performance monitoring
- Service performance and effective use of resources
- Complaints.

#### **6.4 Corporate Governance Group**

The terms of reference of the Group include -

##### **Statement of Accounts:**

- To examine the outturn and statement of accounts, making comments and recommendation to Council.

##### **Report on Code of Corporate Governance:**

- To consider the annual report on compliance with the Council's Corporate Governance Code and making recommendations to Cabinet on improvements/changes in practice and acceptance of a draft Statement.
- Be designated with responsibility for the Governance of the Council (as per Council recommendation on 28 June 2007 minute 17)

##### **Report on Statement of Internal Control:**

- To consider the annual report on application of the Council's system of internal control and making recommendations to Cabinet on

improvements/changes in practice and acceptance of a draft Statement.

#### **Annual Treasury Management Activity report:**

- To consider the annual report on Treasury Management activity and ensure that practice has complied with the approved Treasury Management strategy, making comments to Cabinet as appropriate.

#### **Fraud and Irregularities:**

- To consider the annual report on fraud and irregularities in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements.
- To consider any matters arising as a result of irregularity referred to it by Cabinet.

#### **Capital and Revenue budget monitoring:**

- To consider regular reports on progress against the revenue and capital budget, making recommendations to Cabinet on matters requiring its approval and where progress is considered to be unsatisfactory.

#### **Periodic reports on the findings of Internal Audit/due diligence/controls over key risk areas:**

- To consider periodic reports on the more significant findings of internal audit in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements.
- To consider periodic reports on controls over key risk areas as identified in the risk register in support of making an informed judgement in respect of the corporate governance and internal control statements, making recommendations to Cabinet on improvements.

#### **Monitor and review the operation of the Constitution**

- To monitor and review the operation of the Constitution in line with Article 15, Review and Revision of the Constitution, Part 2 Articles of the Constitution.

### **6.5 Community Development Group**

The terms of reference of this Group include policy scrutiny relating to –

- Community priorities and solutions
- Engaging and identifying needs of other groups

- Building relationships to ensure policies are developed to empower and not constrain
- Reputation management through promotion, delivery and communication
- Town and parish council shared working (identifying opportunities whilst establishing priorities)

## 6.6 Partnership Delivery Group

The terms of reference of this Group include –

- Driving forward existing partnerships
- Helping to bring partnership working into the Council's mainstream work
- Bringing together partners within the public sector for the benefit of the community
- Developing an approach to future partnership working with both the public and the private sector

## 6.7 General Role

Within their terms of reference, Scrutiny Committees will –

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) exercise the right to call-in decisions made but not yet implemented by the Cabinet as set out within the 'Call-in' section, Overview and Scrutiny procedure rules, Part 4, Rules of procedure.

## 6.8 Specific functions

### (a) Policy development and review

Scrutiny Committees may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) establish task and finish Member Panels focusing on particular areas of policy development and review with a view to making recommendations to the Council's Cabinet when necessary;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;



- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and/or committees and executive and borough officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and/or committees and senior managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- (iv) question and gather evidence from any person (with their consent);
- (v) deliver the 'Councillor Call for Action (CCFA)' process in line with the CCFA protocol as set out at Part 5, Codes and Protocols.

## 6.9 Proceedings of Scrutiny Committees

Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## **ARTICLE 9 – THE STANDARDS COMMITTEE**

*The composition and quorum of local authority Standards Committees are governed by Section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.*

### **9.1 Standards Committee**

The Council meeting will establish a Standards Committee.

### **9.2 Composition**

#### **(a) Membership**

The Standards Committee will comprise:

- six Councillors (other than the Leader);
- three persons who should not be a Councillor or an officer of the Council or any other body having a standards committee (independent members);
- at least one member of a parish council wholly or mainly in the Council's area (a parish member);

#### **(b) Independent members**

Independent members will be entitled to vote at meetings;

#### **(c) Parish members**

A Parish member must be present when matters relating to those parish councils or their members are being considered;

#### **(d) Chairing the Committee**

A member of the Cabinet may not chair the Committee.

### **9.3 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;

- (e) advising, training or arranging to train the Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with complaints about Councillors in line with the Council's published Members Complaints procedure which can be viewed on the Council's website
- (h) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer.
- (i) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
- (j) considering any reference to the Committee by the Chief Executive pursuant to paragraph 10 of the Members' Allowance scheme relating to the failure of a member to attend any meeting during a period of three months, with power to suspend the payment of allowances under the scheme to the member concerned, unless the reasons for non-attendance are approved by the Committee.

## **ARTICLE 13– DECISION MAKING**

### **13.1 Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3, [Responsibility for Functions](#), of this Constitution.

### **13.2 Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the record of any decision will include an explanation of the options which were considered and giving the reasons for the decision in accordance with the requirements of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

### **13.3 Types of decision –**

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2, [Article 4, The Full Council](#), will be made by the full Council and not delegated.
- (b) Key decisions.
  - (i) The regulations define a key decision to mean an Executive decision [taken by Cabinet](#) which is likely –
    - (A) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates;

*For this purpose significant expenditure or savings shall mean –*

**Revenue:** Any contract or proposal with an annual payment of more than £100,000.

**Capital:** Any capital project with a value in excess of £250,000.

or

- (B) to be significant in terms of its effects on communities living or working in any wards or electoral divisions in the area of the local authority.

*For the purposes of the Constitution, the Cabinet may determine that a decision, which will have a significant impact on only one ward, shall be regarded as a key decision.*

In determining whether a decision is significant in terms of its effect on communities consideration should be given to:-

- the number of residents/service users that will be affected in the wards concerned;
- whether the impact is short term, long term or permanent;
- the impact on the community in terms of the economic, social and environmental well-being.

- (ii) A key decision may only be taken in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4, Rules of Procedure, The Cabinet, Procedure Rules of this Constitution.

#### 13.4 **Decision making by the full Council**

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 13.5 **Decision making by the Cabinet**

Subject to Article 13.8, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 13.6 **Decision making by Scrutiny Committees**

Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 13.7 **Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### 13.8 **Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **ARTICLE 14– FINANCE, CONTRACTS AND LEGAL MATTERS**

### **14.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

### **14.2 Contracts**

- (a) Every contract which exceeds £50,000 in value or amount shall be under the Common Seal of the Council.
- (b) Every contract not required to be under the Common Seal of the Council under the preceding Standing Order shall be in writing and signed by the Executive or Borough Officer concerned or a nominated senior member of his staff.
- (c) The Common Seal of the Council shall be kept in a safe place in the custody of the Senior Solicitor. A decision of the Council, or any part of it, will be sufficient authority for sealing any document to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Borough Solicitor should be sealed.
- (d) The Seal shall be attested by the following persons present at the sealing, viz., the Mayor or Deputy Mayor of the Council or other member of the Council, and the Chief Executive, the Head of Corporate Services or Senior Solicitor or Legal Services Manager, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

## **ARTICLE 15– REVIEW AND REVISION OF THE CONSTITUTION**

### **15.1 Duty to monitor and review the Constitution**

The Corporate Governance Group will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **15.2 Changes to the Constitution**

#### **(a) Approval**

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Corporate Governance Group.

#### **(b) Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

### **15.3 Minor amendments**

The Monitoring Officer, in consultation with the Chief Executive is authorised to make minor amendments to the Constitution. When determining if an amendment is 'minor' the following factors must be considered:

Does the amendment::

- substantially depart from original arrangements
- materially affect the decision making process
- change any delegations, responsibilities or duties
- need to be done to support delivery of the Council's priorities

## **RULES OF PROCEDURE**

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

The Annual Meeting of the Council will be held at such places, on such dates and at such times as may be fixed by the Council, subject to any statutory requirements as set out below.

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) receive any declarations of interest;
- (ii) elect a person to preside at the annual meeting if the Mayor or Deputy Mayor is not present;
- (iii) approve the minutes of the last meeting;
- (iv) Receive an address from the outgoing Mayor;
- (v) elect the Mayor;
- (vi) elect the Deputy Mayor;
- (vii) receive any announcements from the Mayor,
- (viii) elect the Leader and Deputy Leader (if appointed);
- (ix) appoint at least one Scrutiny Committee, a Standards Committee and such other committees or Member Groups as the Council considers appropriate and to deal with matters which are neither reserved to the Council nor are executive functions;
- (x) appoint the Chairmen and Vice-Chairmen of committees and Member Groups;
- (xi) appoint representatives to outside bodies, unless previously appointed by the Council;
- (xii) agree the scheme of delegation or any amendments
- (xiii) approve a calendar of meetings for the year, if not previously approved by the Council; and
- (xiv) consider any business set out in the notice convening the meeting.

#### **1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will:

- (i) decide which Committees or Member Groups to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees or Member Groups;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;



- (iv) receive nominations of Councillors to serve on each Committee and Outside Body; and
- (v) appoint to those Committees and Outside Bodies.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with the calendar of meetings approved by the Council. Ordinary meetings will:

- (i) receive any declarations of interest from Members;
- (ii) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (iii) approve the minutes of the last meeting;
- (iv) receive any announcements from the Mayor, Leader, Members of the Cabinet or the Head Of Paid Service;
- (v) receive questions from Members of the public (this next will only be included if such a facility is agreed)
- (vi) receive petitions in accordance with Rule 10 and the Council's Petition Scheme
- (vii) deal with any business from the last Council meeting;.
- (viii) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (ix) receive and consider reports from Officers of the Council;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations (if any);
- (xi) consider motions; and
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committees for debate.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

## -- PUBLIC QUESTIONS

If it is recommended that a public questions facility be implemented then the text as set out in 'public questions' protocol (appendix 5 of the report) will need to be inserted. Renumbering of subsequent paragraphs will be required to reflect this.

## 4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

- 4.1 Whenever an appointment of a Member of a Committee or Member Group is made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate such appointment accordingly. The wishes of the Political Group shall be given in writing to the Chief Executive.

Provided that the Chief Executive shall not be required to give effect to a request to terminate an appointment for any particular Committee, unless the wishes of the Group are notified in writing to him no later than the starting time of that meeting of the Committee.

### 4.2 Substitute Members

Substitute Members are permitted in line with the following protocol which sets out:

- Meetings when substitute members are not permitted
- Meetings when they are permitted
- How to decide if substitutes are permitted at newly established Committees or Groups or Panels
- The requirements of the Group Leaders or Whips
- The requirements of the Monitoring Officer and the Democratic Services Manager
- The process for replacement members

### 4.3 Substitutes are not permitted at:

Council  
Cabinet  
Alcohol and Entertainment Licensing Committee  
Licensing Committee  
Standards Committee

### 4.4 Substitutes are permitted at:

Performance Management Board  
Community Development Group  
Partnership Delivery Group  
Corporate Governance Group

Development Control Committee\*

Local Development Framework Group<sup>1</sup> (subject to exclusions as set out at point 4.5)

Member Development Group

Employment Appeals Committee\* (subject to changes to the Committee's role and remit)

Interviewing Committee\*

\* subject to appropriate training

#### **4.5 Factors to determine if substitutes are permitted at Member Groups or Panels**

Cabinet or Scrutiny Groups when commissioning a Member Group or Panel will determine if substitutes are to be permitted at its meetings taking into account:

- the purpose of the Group or Panel and if it is 'task and finish' based (looking at a particular issue over a specific time with a view to making some recommendations)
- the anticipated timescale for the Group or Panel's work
- its terms of reference
- continuity of debate
- consistency of approach
- best use of expertise
- that material already dealt with does not have to be reconsidered

#### **4.6 The requirements of the Group Leaders, Deputy Leaders and /or Whips**

If substitutes are to be used at meetings when it is permitted, the Group Leaders, Deputy Leaders or Whips will:

Notify the Monitoring Officer or Democratic Services Manager or their duly appointed representative in writing as soon as possible in advance of the meeting of:

- The Member to be substituted
- The substitute
- The anticipated period that a substitute will be used

Notify Chief Executive or their duly appointed representative in writing in the event of a permanent replacement Member due to exceptional circumstances (outlining the reasons for this).

#### **4.7 The requirements of the Monitoring Officer or Democratic Services Manager**

The Monitoring Officer or Democratic Services Manager or their duly appointed representative will:

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<sup>1</sup> Subject to exclusions based on agenda content and topics or issue being considered at meetings in short succession

- Record in the minutes, when new Member Groups or Scrutiny Panels are established, if substitutes are permitted
- Advise all elected Members on the use of substitutes when required
- Indicate on the agenda if substitutes are permitted at all meetings where they are not expressly prohibited (based on agenda content and topics or issues being considered in short succession)

#### **4.8 The process for replacement Members**

Replacement Members are permitted when exceptional circumstances mean that a Member is unlikely to be able to attend future meetings through illness or legitimate external commitments.

In the event of such replacements the Group Leaders or Whips must notify the Chief Executive in writing in the event of a permanent replacement Member due to exceptional circumstances (as per paragraph 4.6). They must outline the reasons for this. The Monitoring Officer will then make arrangements to notify the Group Leaders of the replacement Member.

#### **4.9 Attendance of other Members at Member Working Groups and Panels**

The rules in relation to the attendance of other Members at Member Working Groups and Panels are set out in the protocol within Part 5 – Codes and Protocols, of this Constitution.

### **5. TIME AND PLACE OF MEETINGS**

All meetings shall start at 7.00 p.m. and be held at the Civic Centre, subject to the right of the Chief Executive, in consultation with the relevant Chairman, to vary the starting time and location of any meeting.

### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least **five clear days** before a meeting, the Chief Executive will send a summons signed by him/her by post or by such other means as he/she consider appropriate, to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **7. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor.

Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of Committees and Sub-Committees.

## 8. **QUORUM**

The quorum of a meeting of the Council will be **one quarter of the whole number of Members**. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

The quorum for a meeting of any Committee or other Member Group shall be one quarter of the whole Committee or Member Group. Provided that in no case shall the quorum be less than three Members.

## 9. **DURATION OF MEETING**

### 9.1 **Close of Meeting**

Meetings of the Council, Committees and Member Groups (with the exception of the Development Control Committee) shall adjourn at 10.00 pm.

Provided that the Council, Committee or Member Group may by resolution extend the closing time to no later than 10.30pm.

At the closing time of the meeting, the matter then under discussion and all of the business to be considered shall be adjourned to the next Ordinary Meeting of the Council, Committee or Member Group or such other meeting that is determined.

Provided that the Mayor/Chairman may at his/her discretion unless in his opinion the motion then under discussion at the closure time has been insufficiently discussed, put the motion to the vote without discussion, subject to the mover of the motion and any amendment under debate being given a right of reply under rule 14.9 before putting the motion to the vote. Otherwise, the matter, together with all other items of business remaining to be considered, will stand adjourned to the next Ordinary Meeting or such other meeting that is determined.

### 9.2 **Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

### 9.3 **Motions which may be moved**

During the process set out in Rules 9.1–9.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

### 9.4 **Close of the meeting**

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## 10. PETITIONS

### 10.1 Petitions submitted not in accordance with the Council's statutory Petition Scheme

At a meeting of the Council any Member of the Council or a person who lives, works or studies within the Borough may present a petition which is relevant to some matter in relation to which the Council has powers and duties or which affects the Borough.

### 10.2 A petition cannot be presented to Council if it:

- relates to a planning or licensing application, appeal or review or to a matter where there is already an existing right of appeal or separate complaints process; or
- is vexatious, abusive or defamatory.

At least seven working days before the meeting (not including the day of the meeting) at which the petition is to be presented, the person wishing to present it shall give notice of his/her intention to do so.

### 10.3 Where the person proposing to present a petition is a member of the public, the Chief Executive shall determine whether or not it is proper to refer the petition to the Council, taking into account the exemptions set out at paragraph 10.2. If not, the Chief Executive shall refer the petition to the appropriate officer, Committee or Member Group and advise the person presenting the petition accordingly.

### 10.4 The person presenting the petition shall be allowed up to five minutes to present the petition and any comments shall be confined to reading out or summarising the petition and making such further supporting remarks relevant to the petition. The petition would then be received without discussion and noted or stand referred to the relevant Head of Service, Committee or Member Group, as appropriate.

### 10.5 Petitions shall be presented in the order they are received by the Chief Executive.

### 10.6 Petitions submitted in accordance with the Council's statutory petition scheme Petitions submitted to the Council in accordance with the statutory Petition Scheme shall be accepted and responded to in accordance with the Council's Petition Scheme at Part 8 of the Constitution. The Democratic Services Manager shall be responsible for the administration of the Scheme.

### 10.7 A statutory petition shall be accepted by the Council if it:

- is communicated in writing or using an electronic facility and is validly signed by people who live, work or study in the Borough

- relates to a function for which the Council is responsible or to an improvement in the economic, social or environmental wellbeing of the Borough to which a partner authority can contribute
- asks for action to be taken or ceased; and
- is not a petition made under or in accordance with any other enactment.

10.8 A petition shall not be accepted if it:

- relates to a planning or licensing application, appeal or review or to a matter where there is already an existing right of appeal or separate complaints process; or
- is vexatious, abusive or defamatory; or
- is an electronic petition and it is not submitted by way of the Council's e-petitions facility when it is available.

10.9 A petition accepted by the Council shall be acknowledged in writing within 10 working days. The petition organiser will be informed of the action the Council will take to respond to it together with the reasons for taking the action. This information will also be published on the Council's website.

10.10 Unless it is a petition requiring an officer to give evidence at a public meeting, a petition containing 2,196 or more signatures shall be debated by the Council and:

- the petition will be placed on the agenda for the next available meeting of the Council
- the petition organiser or a Member of the Council or someone else on their behalf will be entitled to address the Council for a maximum of 5 minutes on the petition
- the Council will debate the petition for a maximum of 15 minutes. A Member contributing to the debate shall speak only once (unless it is on a point of procedure or to provide a personal explanation) and for no more than 5 minutes.

10.11 The Council may decide upon one of the following courses of action:

- to take the action the petition requires
- not to take the action the petition requires for the reasons put forward in debate
- to refer it to the Cabinet or Committee of the Council with or without recommendations

- refer it to another public body with or without the Council's comments.

10.12 Written confirmation of the decision will be sent to the petition organiser within 5 working days of the meeting setting out what the Council has decided. The decision will also be posted on the Council's website.

10.13 A petition containing 2,196 or more signatures calling an officer to give evidence shall be dealt with by a meeting of a Scrutiny Group in accordance with Rule 21 (Overview and Scrutiny Procedure Rules) of Part 4 of the Constitution.

10.14 If the organiser of a petition believes that the petition has not been dealt with or responded to satisfactorily, they shall have the right to request that the petition be referred to a meeting of a Scrutiny Group, which will deal with it in accordance with Rules 21.17 and 21.18 in Part 4, (Overview and Scrutiny Procedure Rules).

## 11. QUESTIONS BY MEMBERS

### 11.1 On reports of the Cabinet or committees or member groups

A Member of the Council may ask the Leader or the Chairman of a Committee or Member Group any question without notice upon an item of the report of the Cabinet or a Committee or Member Group when that item is being received or under consideration by the Council.

### 11.2 Questions on notice at full Council

Subject to Rule 11.3, a Member of the Council may ask:

- the Leader;
- a Member of the Cabinet; or
- the Chairman of any Scrutiny Committee or Member Group

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

### 11.3 Notice of questions

A Member may only ask a question under Rule 11.2 if either:

- they have given at least **three clear working days** (not including the day of the meeting) notice in writing of the question to the Chief Executive; or
- the question relates to urgent matters, they have the consent of the Member to whom the question is to be put and the content of the question is given to the Chief Executive by **10.00 am on the day** of the meeting.

### 11.4 Response



Every question shall be put and answered.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### 11.5 **Supplementary question**

One supplementary question in total may be asked by the Member asking the original question. A supplementary question must arise directly out of the reply and relate to the original question or it will not be permitted. The supplementary question and answer shall be given without discussion.

The Mayor, having due regard to advice of the Monitoring Officer, may reject a supplementary question if it:

- Does not arise directly from the reply
- Does not relate to the original question
- Is a statement and not a question
- Is not a matter for which the Council has responsibility
- Is not a matter which affects the Borough
- Is defamatory, frivolous or vexatious
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information

## 12. **MOTIONS OF NOTICE**

### 12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the Member or Members moving the motion, must be delivered to the Chief Executive not later than **seven clear working days** (not including the day of the meeting) before the meeting.

### 12.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 12.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

The Chief Executive, having due regard to the advice of the Monitoring Officer, may reject any motions submitted if it:

- Is a matter for which the Council has no responsibility and which does not affect the Borough
- Is defamatory, frivolous or vexatious
  
- Is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information

A Member of the Council who has moved a motion which has been referred to the Cabinet, Committee or Member Group shall have notice of the meeting when the motion is to be considered. The Member will have the right to attend and be given the opportunity to explain the motion.

### 13. **MOTIONS WITHOUT NOTICE**

The following **procedural motions** may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or Member Group arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet, Committees, Member Groups or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to extend the meeting beyond 10.00 p.m.;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

### 14. **RULES OF DEBATE**

#### 14.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

#### **14.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **14.3 Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### **14.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

A Member presenting a report of the Cabinet or other Member Group or moving a motion of which notice has been given under Rule 12, may speak for up to ten minutes. No other speech shall exceed five minutes. Provided the Council may, by resolution, extend the time limit on speeches.

The time limit does not apply to speeches by officers in presenting reports or advising the Council on any matter.

#### **14.5 When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### **14.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Subject to (f) below, only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (f) Provided that the Mayor may determine on the presentation of a report and recommendation being proposed and seconded, that the motions and any subsequent amendments would be debated together. In this case, at the conclusion of the debate, the amendments will be voted on separately in the order in which they were proposed.

#### **14.7 Alteration of motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **14.8 Withdrawal of motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **14.9 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment shall also have the right of reply at the close of the debate immediately prior to the closing speech by the mover of the original motion.

#### 14.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following **procedural motions**:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the length of the meeting beyond 10.00 p.m.;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### 14.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote.

If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **14.12 Point of order**

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

#### **14.13 Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least seven Members.

Provided that this rule shall not apply to a motion by way of a recommendation from the Cabinet, Committee or Member Group.

#### **15.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members.

Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Provided that this rule shall not apply to a motion by way of a recommendation from the Cabinet, Committee or Member Group.

### **16. VOTING**

#### **16.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

## 16.2 **Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

## 16.3 **Show of hands**

Unless a recorded vote is demanded under Rules 16.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

A record of the vote taken shall be recorded in the minutes of the meeting.

## 16.4 **Recorded vote**

If any Member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

## 16.5 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## 16.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## 17. **MINUTES**

### 17.1 **Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting subject to such minutes having been proposed, seconded and approved by the meeting.

The only part of the minutes that can be discussed is their accuracy.

### 17.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **17.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **18. RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to speak**

When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Mayor standing**

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **20.4 Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the



meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## 20.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## 21. **DISTURBANCE BY PUBLIC**

### 21.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### 21.2 **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

## 22. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### 22.1 **Suspension**

All of these Council Rules of Procedure except Rule 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### 22.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 23. **APPLICATION TO COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER GROUPS**

All of the Council Rules of Procedure apply to meetings of full Council.

Rules 20.3 and 20.4 in relation to Member not to be heard further and rules 20.5, 21, 21.1 and 21.2 in relation to general disturbance and disturbance by public apply to meetings of the Cabinet.

Only Rules 4–9, 14, 16-22 (but not Rule 20.1) apply to meetings of Committees and Member Groups.

## 24. **INTERPRETATION OF RULES**

The ruling of the Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

**To replace paragraph 16 within the Overview and Scrutiny Procedure Rules, Part 4, Rules of Procedure.**

**16. CALL- IN OF KEY DECISIONS PROCEDURE**

(a) When a key decision is made by the Cabinet, or a Committee of the Council Cabinet, or under joint arrangements, or in line with any delegation within the Constitution's responsibility for functions, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within **two working days** of being made'

(b) Copies of the notice of decision will be provided to all Members

(c) Key decisions of the Cabinet will come into effect **seven working days** (not including the day of the meeting) after the meeting **unless five members give notice in writing to the Chief Executive requesting a call-in of the decision. The facility to call-in only applies to key decisions of the Council's Cabinet**

(d) If no notice requesting the call-in of a key decision is received in this **seven working day** period the decision will come into effect

(e) The call-in submission should comprise a completed 'call-in' request form (**Annex A**) available to Members and include the names and signatures of the five signatories, the decision making principles (as set out in Article 13 – Decision Making) it is believed have been breached and also the reasons for this. The decision making principles are:-

- (i) Proportionality (ie the action must be proportionate to the desired outcome);
- (ii) Due consultation and the taking of professional advice from officers;
- (iii) Respect for human rights
- (iv) A presumption in favour of openness;
- (v) Clarity of aims and desired outcomes; and
- (vi) The record of which options were considered and giving reasons for the decision

(f) Upon receipt of the 'call-in' form the Chief Executive will give due regard to the advice of the Monitoring Officer to ensure the correct

information has been submitted by the signatories. At this stage a call-in request could be rejected if it is believed:

- insufficient information has been provided
- it is vexatious, malicious, or politically motivated
- it does not evidence the decision making principles breached and why
- the decision has previously been called-in
- the reasons given have been addressed in a previous call-in

If necessary, reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call-in request prior to the closure of the call-in period.

(g) Upon determining that the request is a valid call-in the Chief Executive will agree with the relevant scrutiny chairman (giving due regard to the Group's terms of reference and role and remit) the Scrutiny Group to consider the call-in and instruct the Monitoring Officer to notify the Cabinet of the call-in and also the relevant Council officers. He/she will then call a meeting of the relevant Scrutiny Group.

(h) The Scrutiny Group must meet to consider the call-in as soon as possible and at the latest within ten working days of the decision to call it in. If the meeting does not take place in this period then the decision will come into effect. Special meetings of the Scrutiny Groups will be called if necessary to consider call-in requests within this period.

(i) The first named Member (lead signatory) on the call-in form will be entitled to attend the relevant Scrutiny Group meeting to present the call-in, outline the reasons for the request and take part in any debate on the matter (but not vote). The relevant Cabinet Member(s) will also attend the meeting and be invited to address the Scrutiny Group. The Scrutiny Group may ask the lead signatory questions about the call-in request as part of their deliberations. They may also ask the Cabinet Member(s) questions as part of their deliberations. The format for the Scrutiny Group meeting when the call-in request is considered is set out at **Annex B**.

(j) If having considered the decision the Scrutiny Group is still concerned about it, then it may refer the matter back to the Cabinet for reconsideration, setting out in writing the nature of its concerns. The Cabinet shall reconsider it at their next meeting, (or a special meeting if necessary) amending the decision or not, before adopting a final decision

(k) If the Scrutiny Group concludes not to refer the matter back to the Cabinet the decision shall take effect on the date of the Scrutiny

## Group's meeting

(l) If the Scrutiny Group concludes that the decision is outside the Budget and Policy Framework then, it can refer the matter to Council for consideration. Rule 10 within Part 4 of the Constitution - Rules of Procedure – Budget and Policy Framework – procedure Rules sets out the procedure in relation to the call-in of decisions outside the budget and policy framework. When exercising this option the Scrutiny Group should evidence how and why the decision is outside the framework and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter. If the matter is referred to full Council and the Council does not object to a decision that has been made, then no further action is necessary and the decision will take effect from the date of the Council's decision.

## **CALL IN AND URGENCY**

(a) The call-in procedure set out above shall not apply where the decision is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

(b) The Cabinet must decide that no call-in may be made on the grounds of urgency at the time the decision is made, and not subsequently. This will be indicated at a set point on the agenda.

(c) If there is an urgent item, which it would not be practicable to call-in, then the Cabinet decision can be implemented by the Chief Executive in consultation with the Leader of the Council, the relevant Cabinet Member and the Chairman of the relevant Scrutiny Group.

**Following insertion of above replacing existing paragraph 16 revert back to existing text at paragraph 17 as below.**

## 17. Procedure at Scrutiny Committee Meetings

**ANNEX A**

### **Notice of Call-In of Key Decision**

In accordance with Rule XXXX of the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following key decision:

1. Decision.....  
.....
2. Meeting at which the decision was made.....  
.....
3. Date of the meeting.....

We believe that the following principles of decision making have been breached by the making of this decision (tick relevant boxes):

	<b>Principle</b>	<b>Reasons why breached</b>	<b>Please tick</b>
a.	Proportionality		
b.	Due consultation and the taking of professional advice from officers		
c.	Respect for human rights		
d.	A presumption in favour of openness		

e.	Clarity of aims and desired outcomes		
f.	A record of what options were considered and giving the reasons for the decision		

1.

Signed.....  
.....

Name.....

Date .....

2. Signed.....

Name.....

Date .....

3. Signed.....

Name.....

Date .....

4. Signed.....

Name.....

Date .....

5. Signed.....

Name.....

Date .....

**CALL - IN PROCESS – EXPLANATORY NOTE**

This note provides a simple explanation of the format for the ‘call-in’ at the meeting of a Scrutiny Group. It sets out each stage to follow to ensure the meeting is effective and is not adversarial. The key stages are set out as follows:

**Stage 1 – Lead Signatory submission**

As Lead signatory the first signatory to the ‘call in’ will be invited to address the Scrutiny Group and to make a statement of explanation in respect of the decision called in. They should outline the reasons why the signatories have called the decision in. They should also aim to explain how the decision is in breach of the principles of decision making (as set out in Article 13 of the Council's Constitution).

The address should be limited to a maximum of 20 minutes and the lead signatory should stick to the reasons why the decision has been called in and why they believe it is in breach of the decision making principles.

**Stage 2 – Cabinet Member submission**

Following the lead signatory's address to the Scrutiny Group the relevant Cabinet Member(s) will be invited to address the Group. Relevant officers can be called upon to support this submission.

The address should be limited to a maximum of 20 minutes and it should aim to address the reasons given by the lead signatory for the call-in. They should also aim to explain why the decision has not breached the principles of decision making. Any officer evidence will not form part of this timed address.

**Stage 3 – Scrutiny Group questions**

Scrutiny Group Members can then ask questions of the lead signatory, the Cabinet Member and officers directly relating to the decision and the reasons for the call-in (this should be questions about the decision and the call-in and not a debate on the issue as a whole).

**Stage 4 – Lead Signatory closing statement**

The Lead signatory makes a closing statement (this should last a maximum of 5 minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.



### **Stage 5 – Cabinet Member closing statement**

The Cabinet Member(s) then make a closing statement (this should last a maximum of 5 minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

### **Stage 6 – Scrutiny Group decision**

At this stage the Scrutiny Group needs to make a decision based on the discussion that has taken place. The Chairman should make it clear that no further submissions will be heard from the Lead signatory or the Cabinet Member(s) whilst the Scrutiny Group deliberates and makes a decision.

The Scrutiny Group has a number of options available for its decision which are:

- They uphold Cabinet's decision (the Cabinet decision can now be actioned)
- They believe that the decision breached the decision making principles but not sufficiently to warrant referral back to Cabinet (the Cabinet decision can now be actioned)
- They believe that the decision breached the decision making principles and recommend that the decision be referred back to the next Cabinet meeting. The Scrutiny Group should expressly outline the reasons why it believes the decision making principles have been breached. (Note Cabinet's decision cannot be actioned until Cabinet has reconsidered the decision.)

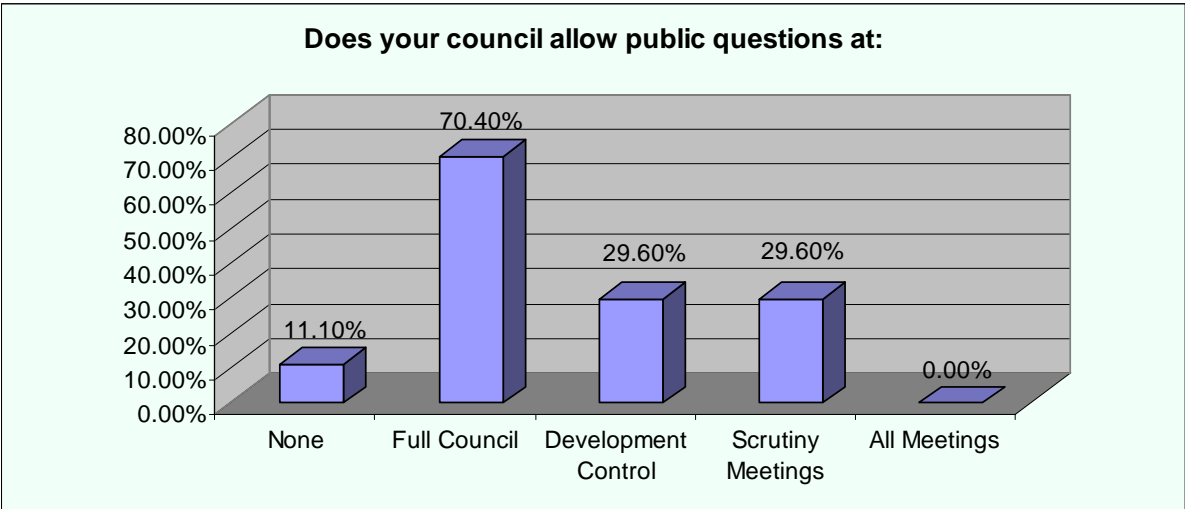
Minutes of the meeting containing the decision will be circulated to all Members in due course.

## PUBLIC QUESTIONS

COUNCIL NAME	WEBCAST Yes/No (insert link)	PUBLIC QUESTIONS	HOW LONG
Gedling Borough	No	Yes	30mins
Bassetlaw District	No	Yes	60mins
Ashfield District	No	Yes	-
Nottingham City	No	Yes	30mins
Nottinghamshire County	No	No	
Broxtowe Borough	No	Development Control only – each speaker	3mins
Newark & Sherwood District	No	Yes	30mins
Derby City	<a href="http://www.derby.gov.uk/CouncilGovernmentDemocracy/DemocraticProcessesEvents/webcasts">www.derby.gov.uk/CouncilGovernmentDemocracy/DemocraticProcessesEvents/webcasts</a>  If the link does not work – log onto <a href="http://www.derby.gov.uk">www.derby.gov.uk</a> Select Council and Councillors, select webcasts of Council meetings	Yes	30mins
Derbyshire County	No	Yes	30mins
Leicester City	<a href="http://www.leicester.gov.uk/councillors-democracy-and-elections/webcasting-council-meetings">www.leicester.gov.uk/councillors-democracy-and-elections/webcasting-council-meetings</a>	Yes	20mins
Leicestershire County	<a href="http://www.leics.gov.uk/index/your_council/webcast_county_council">www.leics.gov.uk/index/your_council/webcast_county_council</a>	Yes	-
Mansfield District	No	Executive Council	15mins 30mins
Charnwood Borough	No	Yes	-
Blaby	No	Yes	15min

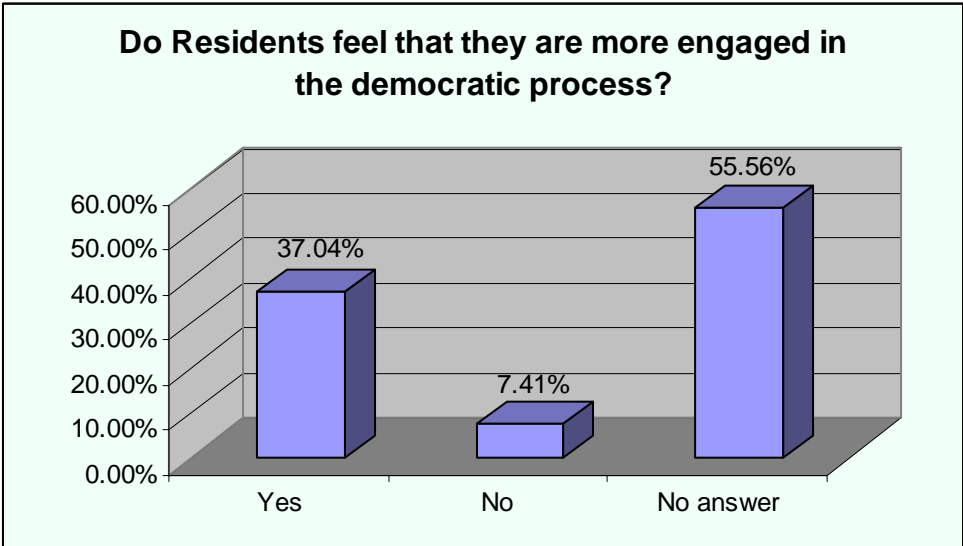
Summary of Questionnaire to other Authorities

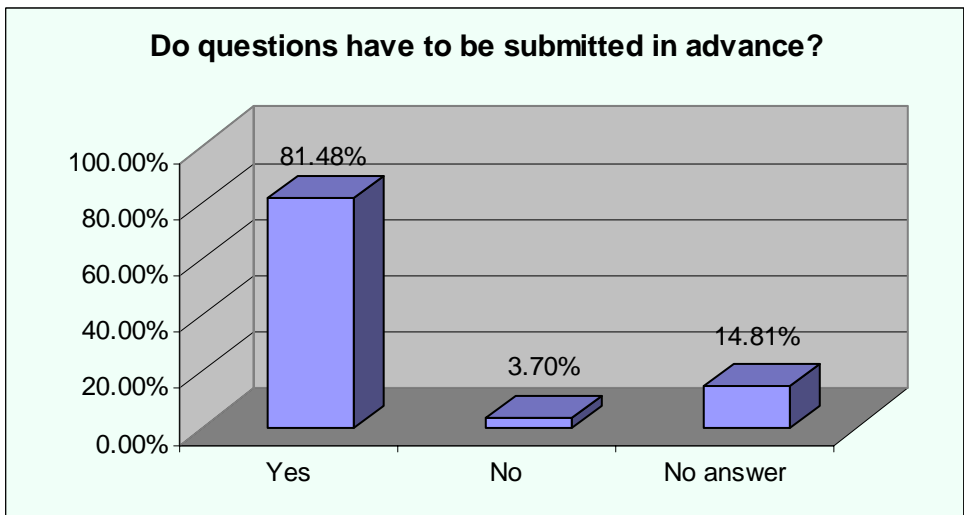
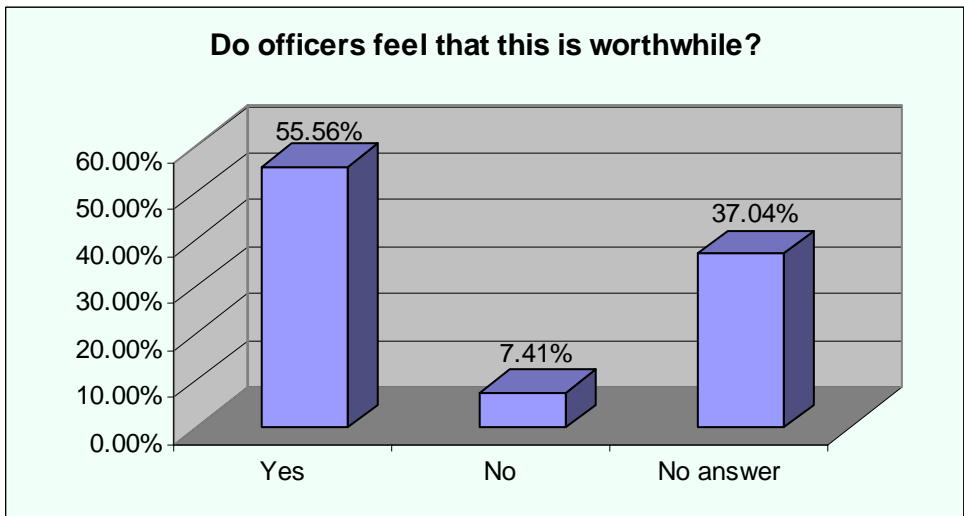
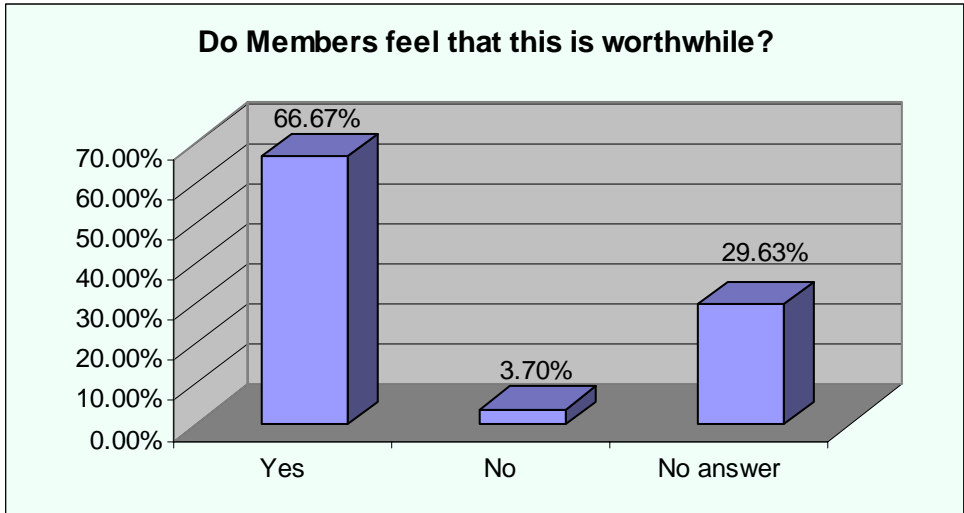
(27 responses were received from 35 Authorities surveyed)



Comments

- On average there was between 0 and 3 questions per meeting. Some Council reported that they had not received any questions at all.
- Time limits vary from 10 – 30 minutes per session with questioners being limited to 5 minutes per question. Some Councils limit the number of questions asked by an individual.





**Comments**

- In general questions are submitted between 2 and 7 clear working days before the meeting.

Examples of responses when asked what improvements would the authority make to the process

## Comments

- We have recently reviewed this and the consensus was to leave it as it is on the basis that a few should not prejudice the opportunity to the majority.
- Would advise keeping the process tight - set out rules for asking questions in Constitution
- Insufficient take up to review
- I would like the questioners to be able to ask the question themselves in the full council meeting.

**QUESTIONS BY THE PUBLIC – DRAFT PROTOCOL**

*If a public questions facility is agreed then this text would be inserted into the Council Procedure rules Part 4 – Rules of Procedure – The Council*

**(a) General**

Members of the public who live, work, or study in the Borough may ask questions of Members of the Cabinet or Chairman of a Scrutiny Group at ordinary meetings of the Council.

Unless the Council (by majority), in exceptional circumstances, decides otherwise, the maximum period of time for questions by the public at the Council meeting shall *be a total of 20 minutes*. Any questions which are not considered in this time will be answered in writing in line with the Council's established service standards.

**(b) Order of questions**

Questions will be asked in the order they were received, except that the Mayor may group together similar questions. No supplementary questions can be asked.

**(c) Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by fax or by email to the Head of Corporate Services no later than midday seven working days (not including the day of the meeting) before the day of the meeting. Each question must give the name and address of the questioner and identify the name of the Cabinet Member, or Chairman of Scrutiny Group to whom it is to be put. The Head of Corporate Services will offer advice to the questioner as to whom it is most appropriate for the question to be put to in cases of ambiguity or uncertainty.

**(d) Scope of questions**

The Chief Executive, having due regard to the advice of the Monitoring Officer, may reject a public question submitted if it:

- Is a matter for which the Council has no responsibility and which does not affect the Borough
- is from or on behalf of a political party or organisation, or from a staff group
- is in relation to an individual's individual circumstances
- is defamatory, frivolous or vexatious
- is substantially the same as a question which has been put to a meeting of the Council in the past six months
- is about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature
- is about an identifiable person or
- requires the disclosure of confidential or exempt information

### **(e) Record of public questions**

The Head of Corporate Services will keep a record of each public question submitted and immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejections. Copies of all questions will be circulated to all Members and will be available to the public attending the meeting. They will also be made available from the relevant page on the Council's website which can be viewed at:

*- insert link to relevant web page*

### **(f) Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice of the question. If a questioner who has submitted a written question is unable to be present, he/she may ask the Mayor to put the question on his/her behalf. In the absence of the questioner, the Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide that the question will not be dealt with.

### **(g) Written answer**

The total time allocated for questions at each meeting will be twenty minutes; any questions not answered at the end of this time will be answered in writing. Any question that cannot be dealt with during public question time because of non attendance of the Member to whom it was put, will be dealt with by a written answer. A record of any written response provided will be kept by the Head of Corporate Services and these will be available on the Council's website as set out previously at point (e).

### **(h) Reference of public question to the Cabinet or a Committee**

No discussion will take place on any public question submitted, nor shall they be referred to another committee.

## **REPORT OF THE HEAD OF FINANCIAL SERVICES**

### **CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK**

#### **Summary**

The Council has engaged the services of Buying Solutions as a Central Purchasing Body to purchase energy on its behalf from 1 April 2011. This follows the decision of Nottinghamshire County Council to stop procuring energy on behalf of other local authorities. This report details the background of the relationship with Buying Solutions and how the energy cycle operates.

#### **Recommendation**

It is RECOMMENDED 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) commencing 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.

#### **Details**

1. At its meeting in December 2009, Cabinet agreed to engage the services of Buying Solution as a Central Purchasing Body (CPB) to procure energy on behalf of the Council from April 2011. The report also detailed that advice would be sought from Buying Solutions on the options available to procure energy in the longer term.
2. There are two basic options available through a Central Purchasing Body, either a 'Fixed Flexible' or a 'Variable Flexible' arrangement. The fixed flexible procurement allows the authority to agree a price to buy its energy needs in advance. This can be done in tranches at certain points in the year and will ensure that the cost of the energy usage can be factored into the budget at the appropriate time.
3. A variable flexible option does not offer certainty of energy prices. It means that if the price of energy rises, the authority will have to pay more for its energy and likewise if prices fall, the authority could pay less. In essence this type of option is a lot more risky, especially if prices are volatile and cannot be predicted.



4. The advice officers have received from Buying Solutions, and the experience of other local authorities that have already entered into this type of agreement, is that the fixed flexible deal will give the Authority the most certainty of procuring energy at the lowest possible price.
5. It is proposed to enter a three year agreement with Buying Solutions. During the third year consideration will be given to whether to stay with Buying Solutions or transfer to another CPB.

#### **Financial Comments**

The details available showing the expected prices indicate the cost for next year's energy purchase will show a reduction between 16% and 35% compared to this year's prices. This equates to a saving of between £35,000 and £78,000 per annum, based on the Authority's current energy costs.

#### **Section 17 Crime and Disorder Act**

There are no section 17 issues.

#### **Diversity**

There are no diversity issues.

**Background Papers Available for Inspection: Nil**

**REPORT OF THE HEAD OF FINANCIAL SERVICES**

**CABINET PORTFOLIO HOLDER - COUNCILLOR J A CRANSWICK**

**Summary**

At the end of October, after seven months of the financial year, the difference between the gross Capital Budget and the expected final spend for the year equates to £741,466.

**Recommendation**

It is RECOMMENDED that the capital budget monitoring position at period 7 is considered.

**Details**

- The monitoring process has identified that projected gross expenditure will be 86% of this year's budget with the majority of the underspend within the high risk category. After seven months, 37% of the budget has been spent. Plans are in place for the majority of projects to make the projected expenditure by the end of the year.

**CAPITAL MONITORING 2010/11 - Period 7 to 31st October 2010**

	This Year's Budget	Profiled Budget	This Year's Actual (inc accruals)	Difference from Profiled Budget	Projected Actual	Difference from This Year's Budget
	£	£	£	£	£	£
<b>HIGH</b>	2,909,550	842,130	936,800	94,670	2,291,522	(618,028)
<b>MEDIUM</b>	1,327,500	552,150	660,962	108,812	1,513,450	185,950
<b>LOW</b>	983,080	322,900	334,275	11,375	673,692	(309,388)
<b>TOTAL GROSS EXPENDITURE</b>	<b>5,220,130</b>	<b>1,717,180</b>	<b>1,932,037</b>	<b>214,857</b>	<b>4,478,664</b>	<b>(741,466)</b>
Contributions	(800,615)	(485,120)	(500,157)	(15,037)	(805,647)	(5,032)
<b>NET EXPENDITURE</b>	<b>4,419,515</b>	<b>1,232,060</b>	<b>1,431,880</b>	<b>199,820</b>	<b>3,673,017</b>	<b>(746,498)</b>

- Detailed below are the schemes for which a significant variance is anticipated at the end of the year.

Risk Category	Scheme	Amount	Action
High	Community Contact Centre	£96,000 potential underspend	To be returned to contingency at the end of the year
High	Community Contact Centre Spokes	£450,000 projected underspend	Rephase to 2011/12
Medium	West Bridgford Environmental Improvements	£260,000 projected overspend	Accelerate provision from 2011/12
Low	Vehicle Replacement	£198,490 underspend	Rephase to 2011/12

3. The tender for the Community Contact Centre will generate a saving on the build of the new centre at the Police Station. This will be monitored during the course of the contract and, if not required to meet any unforeseen expenditure, the sum can be returned to contingency at the end of the year. The works on the Community Contact Centre Spokes will follow the completion of the Contact Centre and will now take place in 2011/12. The provision for this will be rephased at the end of the year. The final tranche of the West Bridgford Environmental Improvements scheme was included in the capital programme for 2011/12. However, this project was accelerated by Nottinghamshire County Council and will now been completed during this year requiring the capital provision to be brought forward. The vehicle replacement programme has been reviewed with a planned spend of £270,580 in 2010/11. The sum of £198,490 can be rephased to 2011/12.

#### **Financial Comments**

These are included in the body of the report.

#### **Section 17 Crime and Disorder Act**

There are no section 17 issues.

#### **Diversity**

There are no diversity issues.

**Background Papers Available for Inspection: Nil**

## REPORT OF THE HEAD OF FINANCIAL SERVICES

### CABINET PORTFOLIO HOLDER – COUNCILLOR J A CRANSWICK

#### Summary

The detail of the budget monitoring shows an overall underspend as at the end of October of £359,814. This includes interest income which is showing a favourable variance of £40,897 and a current underspend on services of £318,917.

#### Recommendation

It is RECOMMENDED that Cabinet endorse the action being taken.

#### Details

1. The table below summarises the direct actual net expenditure or income on services at the end of October 2010 compared with the profiled budget, that is the proportion of the annual estimate that was expected to have been incurred by that time.
2. The position for interest receipts is also provided. As at the end of October, after seven months, the net interest receipts are showing a favourable £40,897 variance.

Service Area	Profiled Budget 7 months to October £	Actual 7 months to October £	Variance £ - ( ) shows favourable
Corporate services	1,345,022	1,284,022	(61,000)
Community Shaping	809,754	632,588	(177,166)
Environment and Waste Management	2,050,854	2,035,253	(15,601)
Financial Services	1,802,992	1,779,984	(23,007)
Partnership & Performance	968,005	912,637	(55,368)
Planning & Place Shaping	78,696	127,291	48,595
Revenues & IT	1,295,767	1,271,294	(24,483)
Housing Benefits	8,573,375	8,562,478	(10,897)
Interest Receipts	(241,388)	(282,285)	(40,897)
<b>Total Expenditure</b>	<b>16,683,077</b>	<b>16,323,262</b>	<b>(359,814)</b>

3. It should be noted that the overall variance, after seven months of the year is lower than last year when the favourable variance was £520,000. This year, the underspend on services is currently £319,000. This suggests that the budgets are more in line with actual expenditure and officers are ensuring that budgets are being managed at a detail level to ensure the total expenditure is contained within the overall budget. A summary of the anticipated savings at the end of the year is given below.

<b>Service</b>	<b>Saving/(Overspend)</b>
Staff welfare	£34,000
Community Partnership	£9,000
Environmental Promotion	£17,000
Community Shaping Holding Ac	£19,000
Refuse	(£75,000)
Streetwise	£43,000
Partnerships & Performance Holding Ac	£20,000
Land Charges	(£80,000)
Planning & Place Shaping Holding Ac	£20,000
Revenues & ICT Holding Ac	£30,000
<b>Total</b>	<b>£37,000</b>

4. The major adverse variances relate to Land Charges and Refuse. In respect of Land Charges, the Government has concluded that personal searches relate to Environmental information and should be provided free. It has therefore cancelled the previously mandatory fee for personal searches. The cost of refuse is over budget due to increases across a number of cost categories including agency and fuel costs but this is mitigated by savings on the streetwise service. Overall costs are being managed so that there is an anticipated small forecasted underspend at the end of the year.

#### **Financial Comments**

The financial comments are included within the body of the report.

#### **Section 17 Crime and Disorder Act**

There are no section 17 issues.

#### **Diversity**

There are no diversity issues.

**Background Papers Available for Inspection: Nil**

## **REPORT OF THE HEAD OF CORPORATE SERVICES**

### **CABINET PORTFOLIO HOLDER – COUNCILLOR MRS D J MASON**

#### **Summary**

As part of the Council's commitment to Member development, the Member Development Group has revised the existing Member Learning and Development Policy. The policy, which forms part of the accreditation for the Member Development Charter, is being presented to Cabinet and to Council for cross party approval as it affects all Members. The revised policy is attached as appendix 1.

#### **Recommendation**

It is **RECOMMENDED** that Members agree the revised Member Learning and Development Policy.

#### **Details**

1. The current Member Learning & Development Policy was agreed in 2008 and this has served Members well as an initial policy. Since then significant progress has been made on Member development through the Member Development Group. By refreshing the policy the Borough is updating its commitment to Member development and will also be agreeing the corner stone towards the achievement of the East Midlands Regional Member Development Charter.
2. The current Policy was discussed by the Member Development Group in July 2010 and several comments were made by Members. These comments related to the following:-
  - Links to the Council's priorities
  - Recognition of the work of the Nottinghamshire Member Development Programme and Rushcliffe's role in this
  - Reference to role profiles
  - Induction programme.
3. These comments have been incorporated in to the revised Policy (see section 4) and have been discussed by the Member Development Group on 30 November 2010. Any further comments from the Group will be reported to the meeting of Cabinet by the Chairman of the Group (Cabinet Member for the Environment).

4. Achievement of the Member Development Charter is progressing well and it is anticipated that the assessment visits will take place during March.

**Financial Comments**

None directly from this report.

**Section 17 Crime and Disorder Act**

None directly from this report.

**Diversity**

Having a policy which enables equal access to learning and development to all Members is a positive step in ensuring that Members are equipped to fulfil their roles.

**Background Papers Available for Inspection:**

None

**RUSHCLIFFE BOROUGH COUNCIL****MEMBER LEARNING AND DEVELOPMENT POLICY –  
*revised November 2010***

Rushcliffe Borough Council is committed to training, development and learning for all of its Members. This is demonstrated by the Council's status as an Investor in People and its desire to achieve the East Midlands Regional Councillor Development Charter. The Council agreed its first Member Learning & Development Policy in 2008. The Policy has now been revised by the Member Development Group and will be presented to Full Council in December 2010 for all Member agreement. The Member Development Policy applies to all elected Members. It also applies to any co-opted Members, including the independent and parish Members of the Standards Committee, The implementation of the Policy is being led by the Member Development Group.

**1. Why have a Policy?**

The development of Members is an essential investment by Rushcliffe Borough Council in its own future. The Member Development Group recognises that Members have different skills and expertise gained through employment and life. The Group is keen to enable Members to access as many development opportunities as possible to make them effective in their ever changing role as a councillor. Often help and support is available for Members, but they are not always sure of how to access this. A more formal approach to Member development should go some way to improve this. At the same time the approach will be flexible, mindful of the fact that individual Members will want to address their own development in different ways.

Member development can have a significant impact on the performance of the organisation. Well equipped Members are able to contribute to the running of the Borough, and can deal with the challenges and changes faced by the organisation.

**2. How did we get to here?**

The Member Development Group has been meeting since November 2005 with Membership from all parties. The first Learning and Development Policy was agreed in 2008, after which the Group agreed to pursue the East Midlands Regional Councillor Development Charter. The commitment to the Charter was approved by Leaders of all political groups in December 2007.

In 2007 Members completed an individual personal development plan with the support of the IDeA. The information was then used to agree a programme of Member development. The personal development plans were reviewed by Members in 2008 and in 2010 and have provided the corner stone of future development work. Part to this work included the revision of the Member Learning and Development Policy.

The Borough has also played a leading role in the Steering Group of the Nottinghamshire Member Development Partnership. This has resulted in considerable input from Rushcliffe Members into the county wide Member development programme run in 2010/11.



#### 4. How do we Approach Learning and Development?

In line with best practice, this policy endorses a four stage approach to managing learning and development on all levels. This results in a systematic approach for all Members which includes:-

- (i) Identifying learning and development needs.
- (ii) Planning learning and development activities.
- (iii) Accessing learning and development opportunities.
- (iv) Evaluating investment in learning and development, impact and outcomes.

This cyclical method ensures that learning and development is linked to achieving corporate priorities and delivering real improvements as a result of the investment in learning and development.

##### *(i) Identifying learning and development needs*

To support the Council's strategic priorities, there will be a process for identifying learning and development needs at all levels:-

- Individual
- Political Groups
- Role specific/constitutional (eg cabinet, chairmen)
- Corporate (eg ethical conduct)

To identify learning and development needs at individual level:

- Every Elected Member will have an opportunity to discuss their learning and development needs either with a Member champion or with an officer from Democratic Services. These will be based on role profiles for ward councillors and for specific roles.
- A record (Personal Development Plan) of the agreed outcome will be made. Members can also complete a Personal Development Plan individually.
- Personal Development Plans will be reviewed annually.

Identification of learning and development needs at political group level will be achieved through feedback from Member Development Group representatives.

Identification of learning and development needs at corporate, constitutional and role specific levels will be achieved through a number of ways such as the induction programme, legislative framework, Scrutiny Member Panels and requirements of regulatory committees

(Development Control and Licensing). These will also be based on role profiles for Members.

*(ii) Planning learning and development activities*

The Member Development Group is responsible for agreeing a programme of learning and development activities, with support from the Democratic Services Manager. The programme will bring together different levels of need – corporate, role specific and individual. It will also identify key objectives, learning needs, proposed learning and development methods, timescales, estimated resources, evaluation method and where possible, success indicators.

The programme will incorporate the following:-

- Induction for new Members and refresher for re-elected Members – ensuring that all Members have sufficient skills from day one of being a councillor
- On-going development identified through the personal development plan process
  - Core competencies – things that every Member will need, eg being able to participate in meetings, chairing meetings, knowing how the council works
  - Skills training and development – building on the core competencies to pick up on a specific skill set for certain roles, eg scrutiny Member
  - Mandatory training necessary to carry out specific Member roles, eg Development Control and Licensing. This training will reflect policy and statutory requirements which directly affect Members. Members sitting on these Committees will have to undergo training before their first meeting. Existing Members will also have to attend refresher training.

*(iii) Accessing Learning and Development Opportunities*

This policy encourages use of a wide range of methods to meet learning and development needs for individuals and groups. When choosing learning and development methods, the focus will be on the outcomes in terms of improved performance. The programme will be delivered: \_

- With sessions at different times of the day to meet demand from Members
- Using different methods, eg presentations, interactive sessions, modules available on the internet,

Sessions will be delivered both in-house and externally and will cater for the variety of roles that Members are expected to undertake. The Member Development Group will look to maximise opportunities to combine resources with similar authorities in the county in order to share learning and experiences, and be efficient, eg the Nottinghamshire Member Development Partnership.

*(iv) Evaluating investment in learning and development, impact and outcomes*

So that the return on investment in learning and development is secured, the Member Development Group is responsible for ensuring that evaluation takes place at the following levels:

- Immediate review, ie that the learning and development activity was satisfactory and gave value for money – via feedback questionnaires.
- Acquisition of skill, knowledge and personal qualities, ie that the required levels of knowledge, skill or personal qualities have been acquired via Personal Development Plan reviews.
- Performance improvement, ie knowledge, skill, new behaviours or personal qualities are being applied in practice and improvements have resulted.
- High level review, ie that increases in skills, knowledge or personal qualities acquired through learning and development have been relevant and made direct contributions to the achievement of Council objectives and to the Member's role in their ward .

The evaluation will be undertaken by utilising a mix of Member case studies, evaluation questionnaires, 1-1 discussions with Member champions.

**5. What Resources are available?**

The Council will make the necessary resources available for Member Development. This will cover priority needs linked to corporate, constitutional and individual learning and development requirements as identified in Personal Development Plans. The full cost of all learning and development will be identified and monitored by the Democratic Services Manager. Members wishing to undertake development opportunities will be asked to complete a brief questionnaire outlining the objectives of the opportunity and the benefit they see to their role and to the Borough.

**6. Roles and Responsibilities**

Political Group Leaders have pledged their commitment to learning and development for Councillors from all parties. The Council is pursuing accreditation to the East Midlands Regional Councillor Development Charter.

The Member Development Group is responsible for:

- Helping their peers to identify and find opportunities to meet their learning and development needs, usually via the Personal Development Plan process.
- Creating an environment that encourages self-development and continuous learning and the sharing of knowledge and skills amongst the Members in the political groups.

- Evaluating investment in learning and development and ensuring adherence to equal opportunities principles.
- Monitoring the application of this policy.

All Members have individual responsibility to:

- Identify their own learning and development needs and to seek opportunities to improve their effectiveness and increase their potential.
- Share their knowledge and skills with their peers.
- Review and evaluate learning and development activities so as to apply increased knowledge, skills and personal qualities developed through those activities.

The Democratic Services Manager is responsible for:

- Supporting the Member Development Group in fulfilling its terms of reference.
- Preparing the Learning and Development Plan and report as required by the Member Development Group.
- Organising, and in some cases providing, learning and development as identified in the Learning and Development Plan.
- Maintaining members' personal development records.
- Managing the Member development budget.
- Making necessary arrangements for the booking of courses and other development events.
- Liaising with the Senior Management Team and Heads of Service to identify future development topics.

## **7. How is the Policy Monitored?**

The Member Development Group will monitor the progress of the work at its meetings on a quarterly basis. The feedback from the programme of Member development activities and how Members are developing as a result will be assessed. This will be used to make continuous improvements to the programme and ensure that Members are assisting the Borough in achieving its corporate priorities.

## REPORT OF THE HEAD OF PLANNING AND PLACE SHAPING

### CABINET PORTFOLIO HOLDER – COUNCILLOR BELL

#### Summary

Sutton Bonington Conservation Area has been appraised and its boundary reviewed as part of a programme to review all the Conservation Areas within the Borough. This report recommends changes to the Conservation Area boundary.

#### Recommendation

It is RECOMMENDED 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 at **Appendix 2** of this report and notice be given in accordance with the statutory requirements.

#### Details

1. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to designate as Conservation Areas any 'areas of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance'. PPS5: Planning for the Historic Environment (March 2010; Department of Communities and Local Government) also specifies that local planning authorities "should seek to establish consistent local standards for their designations and should periodically review existing Conservation Areas and their boundaries against those standards."
2. At the same time the need for a more rigorous approach to the designation of Conservation Areas has been recognised. The English Heritage guidance "Conservation Area Appraisals" states that national policy guidance "stresses the need for local planning authorities to make an assessment of the special interest, character, and appearance of all Conservation Areas in their districts... it is vital that the special interest justifying designation is clearly defined and analysed in a written *appraisal* of its character and appearance."
3. Finally, PPS 5 points out that management plans for Conservation Areas are needed with the reminder that "Section 71 of the Act places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of Conservation Areas."
4. The Borough Council continues to undertake a thorough review of all existing Conservation Areas which includes:

*An appraisal of the Conservation Area's special interest and character;*

*A review of the Conservation Area's boundaries;*

*A statement of management policies for the preservation and enhancement of the Conservation Area.*

## **Appraisal of Sutton Bonington Conservation Area**

5. An Appraisal was carried out which took the form of an assessment of the particular character of the Sutton Bonington Conservation Area. Designated in 1968, Sutton Bonington was Rushcliffe's first Conservation Area. It contains 25 listed buildings, including two principal churches which are evidence of Sutton Bonington's origins as the two separate villages of Sutton and Bonington. The Conservation Area's special interest lies in the interplay between its informally arranged historic buildings, its distinctive linear plan form, and the integration of rural characteristics within the village core. Little development has occurred around Sutton Bonington, and thus it appears as an integral part of the rural landscape.
6. Recent government guidance (PPS5, 2010) on the designation of Conservation Areas has broadened the parameters to take into account buildings within their settings and not just the buildings alone. To reflect this new approach the following guidelines have been used:

*To enhance the setting and character of whole streets rather than just sections along them. (One way to achieve this is to include modern development where this occurs as infill within areas of older buildings. Another is to avoid boundaries which pass down the centre-line of roads.)*

*To include areas of high quality landscape associated with buildings (including mature trees and hedges, particularly if these are survivals of older layouts).*

*To take into account the influence of the countryside setting beyond the built-up area (although the inclusion of extensive areas of countryside within Conservation Areas would not be appropriate)*

The result of applying the appraisal process to Sutton Bonington was to confirm that the existing Conservation Area designation is still justified. The appraisal also identified the need for some changes to the boundary. These changes seek to create a logical boundary and include areas which impact positively on the setting of the Conservation Area. They also seek to exclude areas which do not contribute to the character and appearance of the Conservation Area. Details of the changes are listed in **Appendix 1** of this report and a plan showing the changes is provided in **Appendix 2**.

## **Consultation**

7. Although there is no statutory requirement to consult prior to designation or revision of Conservation Areas, PPS5 advises that it is highly desirable that there should be consultation with local residents and other local interests cover both the identification of areas and the definition of their boundaries. Consultation also satisfies the general duty to involve the public. Draft versions of the Conservation Area Appraisal and proposed boundary changes were sent to the Parish Council for consultation.

8. On October 28, 2010, a public consultation meeting was held by Rushcliffe Borough Council at Sutton Bonington Village Hall. The event was publicised in advance on the Rushcliffe Borough Council website home page, and notices advertising the event were placed in 3 locations on Main Street. An advertisement was placed in the Loughborough Echo. Prior to the meeting, revised draft appraisal documents were placed on the Rushcliffe Borough Council website. Hard copies were made available for inspection at Sutton Bonington Library.
9. The purpose and scope of the Conservation Area review was explained at the public meeting and residents discussed the appraisal and were given the opportunity to comment on plans of the proposed boundary revisions. One resident requested removal of his property from the revised boundary. The property does not reflect the special interest of the area and was removed from the new boundary. A resident requested that the building known as 'Hobgoblins' be included within the new boundary. It was considered that this would not be appropriate as its inclusion within the Conservation Area boundary would require the inclusion of several buildings that do not reflect the special interest of the Conservation Area and the building is listed and therefore enjoys strong protection already. The Parish Council indicated that they would provide written comments on the boundary and appraisal. Members of the public identified strengths, weaknesses, threats and opportunities within the Conservation Area. These are included in the Conservation Area appraisal.
10. Two written consultation responses were received from the Parish Council. The responses requested various amendments to the wording of the draft appraisal, many of which have been incorporated. The Parish Council objected to the proposed removal of the railway bridge on Hungary Lane from the revised Conservation Area boundary. In light of the Parish Council's comments the bridge has been retained within the Conservation Area boundary. The Parish Council requested that the railway bridge on Marlepit Hill and the railway, embankment and other bridges be included. It was decided to include the railway bridge on Marlepit Hill, but inappropriate to include the railway and embankment. The Parish Council requested the inclusion of land to the east of the railway to incorporate former Rectory and St. Anne's Manor. It was considered appropriate to include the former Rectory (now St. Michael's House) as it has a strong historical link to St. Michael's Church, and the church spire is still clearly visible from the former Rectory. In response to a consultation letter, the owner of St. Michael's House (the University of Nottingham) objected to the additional bureaucratic controls this might involve and requested that we considered removing it from the boundary. It was considered that the advantages of including the former Rectory within the Conservation Area outweighed the university's concerns. On balance, it was not considered appropriate to include St. Anne's Manor within the Conservation Area. The Parish Council also requested that the building known as 'Hobgoblins' be included. This was not done for the reasons outlined above.

## Publicity

11. There is a statutory duty to advertise the changes to the designation in a local newspaper and the London Gazette including a description of the boundary. It is also proposed to write to all properties within the areas affected by the changes; this will inform residents that the appraisal documents will be available to download from the Council's website.

## Costs and Management

12. There are costs involved in the advertisement and publicity exercise as outlined above. There will also be additional costs in staff time in the administration of the statutory controls involved in the new designated areas. However all additional costs will be absorbed into existing budgets.

## Outcomes and Outputs

13. The re-alignment of the Conservation Area boundary at Sutton Bonington will achieve the following:

*The boundary of the Conservation Area will be simplified and thus made easier to identify on the ground.*

*The conservation and enhancement of additional areas of special character will be ensured.*

*Areas which do not conserve and enhance special character will be excluded from the Conservation Area.*

## Justification

14. The appraisal and review of Conservation Areas is a central government requirement. This proposal will also meet the Council's objectives to:

*Protect, preserve and enhance the natural and built environment of the Borough.*

*Support and provide guidance to internal and external customers regarding development in Conservation Areas, tree preservation and high hedge legislation.*

### Financial Comment

There are no direct financial implications arising from this report.

### Section17 Crime and Disorder Act

There are no direct crime and disorder issues arising from this report.

### Diversity

There are no direct diversity issues arising from this report.

**Background Papers Available for Inspection:** Internal file ref: Sutton Bonington Conservation Area 701.1



## **SUTTON BONINGTON CONSERVATION AREA BOUNDARY**

### **NEW AREAS RECOMMENDED FOR INCLUSION**

#### **Area on Plan: A**

##### **Bridge over Marlepit Hill and land east of the railway including St. Michael's House and footbridge.**

Reason for inclusion: To include the bridge which forms part of the attractive northern approach to the village, and to include the former St. Michael's Rectory which has strong historic links with St. Michael's Church and which still retains a strong visual link.

#### **Area on Plan: B**

##### **Rest of garden of no. 133 Main Street**

Reason for inclusion: To avoid the boundary cutting across a back garden.

#### **Area on Plan: C**

##### **Rest of Grounds to the west of The Hall, Main Street.**

Reason for inclusion: To avoid the boundary cutting across the grounds of the Hall.

#### **Area on Plan: D**

##### **House, outbuilding and garden of no. 43 Main Street.**

Reason for inclusion: To include a property of a character and appearance that contributes to the special interest of the Conservation Area

#### **Area on Plan: E**

##### **Part of verge at junction of Main Street, Hungary Lane and Park Lane**

Reason for inclusion: To avoid cutting across a verge.

### **AREAS RECOMMENDED FOR EXCLUSION**

#### **Area on Plan: F**

##### **Part of field behind 143 Main Street**

Reason for exclusion: To avoid inclusion of a small part of a field.

#### **Areas on Plan: G and H**

##### **Parts of field around sewage pumping station**

Reason for exclusion: To avoid including two small parts of a field.

#### **Area on Plan: I**

##### **Area to west of 30 Pasture Lane**

Reason for exclusion: To create a more logical boundary defined by the property line of no. 30.

**Area on Plan: J**

**No. 49a Main Street, and rest of gardens to rear of no.s 29, 31 and 16 Gables Lea.**

Reason for exclusion: To exclude a building that does not reflect the special interest of the Conservation Area, and to avoid including a small part of three gardens of properties otherwise not included within the boundary.

**Area on Plan: K**

**Part of garden of no. 27 Main Street**

Reason for exclusion: To avoid inclusion of part of a front garden.

**Area on Plan: L**

**No. 15 The Paddocks**

Reason for exclusion: To exclude a property that does not reflect the special interest of the Conservation Area.

