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Our reference:
Your reference:
Date: 4 July 2016

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 12 July 2016 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely



Deputy Monitoring Officer

AGENDA

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes of the Meeting held on Tuesday 14 June 2016 (pages 1 - 4)

Non Key Decisions

4. 2015/16 Financial Position

The report of the Executive Manager – Finance and Corporate Services is attached (pages 5 - 15).

5. Constitution

The report of the Monitoring Officer is attached (pages 16 - 22).

Key Decisions

6. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

It is RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it is likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

7. Coach Gap Lane Asset Review

The report of the Executive Manager – Transformation and Operations is attached (pages 23 - 27).

Budget and Policy Framework Items

None

Matters referred from Scrutiny

None

Membership

Chairman: Councillor J N Clarke

Vice-Chairman: Councillor S J Robinson

Councillors: R L Butler, J E Cottee, D J Mason, R G Upton

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets are located opposite Committee Room 2.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 14 JUNE 2016**

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

PRESENT:

Councillors J N Clarke (Chairman), R L Butler, J E Cottee, S J Robinson

ALSO IN ATTENDANCE:

Councillors H A Chewings, R M Jones, A MacInnes, G R Mallender

OFFICERS PRESENT:

A Graham	Chief Executive
P Linfield	Executive Manager - Finance and Corporate Services
K Marriott	Executive Manager - Transformation and Operations
D Mitchell	Executive Manager - Communities
N Carter	Deputy Monitoring Officer
A Poole	Constitutional Services Team Leader

APOLOGIES FOR ABSENCE:

Councillors D J Mason, R G Upton

1. Declarations of Interest

There were none declared.

2. Minutes

The minutes of the meeting held on Tuesday 8 March 2016 were approved as a correct record and signed by the Chairman.

3. Positive Futures

Councillor Cottee presented the proposals for the future delivery of Positive Futures within Rushcliffe from January 2017 onwards. He explained that the project, delivered by Nottinghamshire County Cricket Club and run initially in Cotgrave since 2009, was extended to Radcliffe on Trent, Bingham and Keyworth in January 2013. From then to date, 695 young people had been supported by the project.

The current Positive Futures programme was scheduled to operate until December 2016. A proposal had been received from Nottinghamshire County Cricket Club to deliver Positive Futures for a further 4 years and to extend the scope of the project to support young people who would attend the East Leake Academy. Councillor Cottee explained that the content would be similar to current delivery.

It was explained to Members that the current project was funded by a loan to grant of £90,000 per annum. The proposal presented an annual cost of

£110,000, which represented an increase of £20,000 per annum from the current agreement. This would be funded from the revenue budget.

Councillor Butler supported the proposal and highlighted how successful the project had been in Cotgrave in supporting young people. He explained that he had received good feedback from a variety of people and organisations in Cotgrave, as well as Radcliffe on Trent and Keyworth. He added that the presence of a Positive Futures office in Cotgrave was a benefit for the community. He reflected that some concerns had been raised earlier in the year, when it became apparent that funding may not be available to continue the project. He was, however, pleased that this was not now the case and there was an opportunity for the project to continue and expand.

Councillor Clarke echoed the comments, stating that Positive Futures had been very successful at South Nottinghamshire Academy in Radcliffe on Trent and that news of the extension would be well received.

Councillor Cottee reminded Members that the project would continue in Cotgrave.

RESOLVED that Cabinet:

- a) Supports the extension of the Positive Futures programme from January 2017 to December 2020 (4 years delivery) at a cost of £110,000 per annum and forwards this for approval by full Council in view of the change to the budget.
- b) Supports the targeting of Positive Futures work to young people aged 9yrs and above within the catchment areas of East Leake Academy, South Nottinghamshire Academy, South Wolds Academy and Toothill School;
- c) Delegate authority to the Executive Manager - Communities in consultation with the Portfolio Holder for Community Services to establish agreed targets for performance monitoring and approval of any future amendments to the focus of the project.

4. **Land Transactions Cotgrave**

Councillor Robinson presented a report regarding the principles for the Heads of Terms negotiated for the land swaps required to bring the Cotgrave town centre scheme to fruition.

He highlighted that, in December 2015, Cabinet had agreed the allocation of £2.5m from the Asset Investment fund in addition to previous funding to further support the regeneration of Cotgrave Town Centre and the delivery of industrial units on the colliery land. He explained that the Cotgrave Strategic Board oversaw the progress of this very important project. He highlighted that Appendix 3 of the report detailed what would be achieved and that plans included space for development of a new multiservice centre which would house Cotgrave Town Council, the Library, Nottinghamshire Police, health provision including a pharmacy, and the Rushcliffe Borough Council contact point.

He explained that eleven houses on Scotland Bank had been acquired from Metropolitan Housing using grant funding and that the land allocated for health service provision would be leased to the Belvoir Health Group on a long term peppercorn rent with no premium for the land.

Councillor Robinson highlighted that there was further work to be carried out regarding the negotiations, and that he would be involved in this exercise which would be led by the Chief Executive and the S151 Officer.

Councillor Butler supported the proposals stating that this detailed another step in a complex journey. He recognised that there were more serious discussions to be held with partners and key stakeholders and added that he was grateful to officers and residents for their progress. Members supported this and praised the due diligence and hard work of officers.

Councillor Robinson highlighted how well all partners had worked jointly bringing together their wider agendas for the benefit of the community.

Councillor Clarke recognised that this had been challenging at times and officers had worked hard to reach a successful conclusion. He stated that the focus should be on the success of the end result.

RESOLVED that, to enable the delivery of a new Multiservice Centre in Cotgrave and the regeneration of the town centre, Cabinet

- a) supports the land swap principles between the public sector partners (Rushcliffe Borough Council, Nottinghamshire County Council and Nottinghamshire Police) in line with the Government's One Public Estate policy;
- b) agrees the lease of land to the Belvoir Health Group for the delivery of new health centre provision in Cotgrave with the recommended restrictions on title;
- c) agrees the long leasehold of part of the Multiservice Centre to Cotgrave Town Council;
- d) agrees to the acquisition of 11 houses on Scotland Bank from Metropolitan Housing at a peppercorn value;
- e) supports the principle of landswaps with Metropolitan Housing for the acquisition of the remaining 3 houses on Scotland Bank and parking land behind Scotland Bank and receives a future report on these negotiations;
- f) delegates the completion of negotiations to the Chief Executive and S151 Officer in consultation with the Portfolio Holder for Finance and Economy (Deputy Leader).

5. **Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it is likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

6. Civic Marketing Exercise

Members discussed the report presented by Councillor Robinson detailing the Civic Marketing Exercise.

RESOLVED that

- a) The Civic Centre at Bridgford House is disposed of as surplus to requirements
- b) The freehold interest of the Civic Centre be sold on an unconditional basis
- c) Offer A made by Investor 1 be pursued to completion
- d) The Chief Executive is delegated to make immediate arrangements to finalise negotiations and arrange for the exchange of contracts with completion and vacant possession of the Council-occupied parts of the building by March 2017
- e) The Leader and Portfolio Holder for Finance and Economy are delegated Authority to agree the recommendations of the Chief Executive to secure the sale to Investor 1
- f) Prior to completion Full Council to consider the report of the Corporate Governance Group if required, regarding any concerns that materialise in respect of due diligence undertaken.

The meeting closed at 7.30 pm.

CHAIRMAN

Report of the Executive Manager - Finance and Corporate Services

Cabinet Portfolio Holder - Councillor S J Robinson

1. Summary

- 1.1. The purpose of this report is to outline the year-end financial outturn position for 2015/16, linked to the closure of accounts process and previous financial update reports. The draft Statement of Accounts has been prepared and were approved by the Executive Manager – Finance and Corporate Services prior to the 30 June deadline, enabling a timely start to the formal audit process.
- 1.2. The Council is required to categorise its income and expenditure as either revenue or capital. Revenue income and expenditure is included in the General Fund, with Capital included in the capital programme. The Financial Outturn, for both Revenue and Capital, is presented below.
- 1.3. There are revenue efficiencies of £1.087 million; the previous Cabinet Report projected an underspend of around £1.04 million. The underspend puts the Council in a better position to meet the future financial challenges it faces, as it looks to improve services, enhance assets and grow the Borough; despite the difficult economic climate and on-going central government funding reductions. In total, reserves have reduced by £1.92 million as the Council continues to actively use its resources to support its ambitious capital programme.

2. Recommendation

It is RECOMMENDED that Cabinet

- a) Notes the 2015/16 revenue underspend position **Appendix B** and approves the associated changes to the earmarked reserves as set out in paragraph 4.4 below and **Appendix C**;
- b) Notes the capital underspend position and approves the capital carry forwards outlined in section 4.7 and **Appendix D**.

3. Reasons for Recommendation

- 3.1. To accord with good financial governance and the Council's Financial Regulations.

4. Supporting Information

General Fund – Revenue Outturn Position

- 4.1. The General Fund account deals with the Council's revenue income and expenditure, where spend is incurred on day to day expenditure or on items used within the year.
- 4.2. The projected outturn position for the General Fund has been reported to the Corporate Governance Group and Cabinet regularly during 2015/16. The year-end Financial Statements are subject to audit by KPMG and will be considered by Council on 22 September 2016.
- 4.3. The overall position on the General Fund budget gives a £1.087 million underspend for the year. The underspend relates in the main to £222,000 additional investment income, £184,000 regarding the Business Support Unit recharge for Council Tax and Housing Benefits Administration, £154,000 in respect of the Housing Benefit function and slippage in Strategic Growth funding of £80,000. **Appendix A** details other variances over £50,000 which account for the remainder of the underspend. A summary of the revenue position is given at **Appendix B**.

Table 1: Revenue Outturn Position

	Budget £'000	Actual Outturn £'000	Total Variation £'000	Variation (%)
Communities	2,665	2,591	(74)	(3%)
Corporate Governance & Operations	1,364	1,368	4	-
Finance & Commercial	3,159	2,301	(858)	(27%)
Neighbourhoods	4,326	4,384	58	1%
Transformation	138	(66)	(204)	(148%)
Sub Total	11,652	10,578	(1,074)	(9%)
Capital Accounting Reversals included above	(1,503)	(1,388)	115	8%
Grant Income (including New Homes Bonus)	(4,089)	(4,217)	(128)	(3%)
Transfer to/from Reserves	868	1,955	1,087	125%
Revenue Contribution To Capital	159	159	0	-
Shelford & Newton Budget	20	20	0	-
Total	7,107	7,107	0	-

Reserves

- 4.4 There are a number of movements in Reserves largely agreed as part of the budget setting process and budget monitoring for 2015/16. **Appendix C** highlights the movement in reserves. Some key points to note:
- There are a number of 'transfers out' or use of reserves for capital schemes in the year, for example £3.655 million on the Arena development and £0.152 million for Broadband across the Borough
 - There are a number of 'transfers in' that increases reserves significantly £1.871 million New Homes Bonus and the overall revenue underspend
 - Of the underspend, it has previously been agreed by Cabinet to allow £80,000 to be used in 2016/17 to support expenditure associated with the work of Growth Boards
 - Cabinet requested Full Council to approve £440,000 to support Positive Futures over the next four years
 - £50,000 is also required to match fund the European Regional Development Fund (ERDF) bid for IT support for businesses. This will provide small and medium enterprise units with the knowledge, tools and ability to use and exploit IT to maximise wealth generation
 - Bridgford Hall has a £70,000 revenue budget underspend in 2015/16 which is required to be carried forward as the project is due to be completed in 2016/17
 - Both the New Homes Bonus (£3.426 million) and the Organisation Stabilisation (£2.449 million) Reserves ensure the Council has some resilience with regards to its Medium Term Financial Strategy (MTFS).
- 4.5 Overall the level of Reserves at £9.540 million remains healthy, though there are risks going forward in terms of further reductions in central government funding such uncertainty heightened by the exit from the European Union; and internally significant projects such as the Leisure Strategy and Civic Centre developments. That said the Council is committed to growing the Borough, ensuring it maximises available opportunities.

Capital

- 4.6 The year-end Capital Programme provision totalled £16.348 million (see Table 2 and **Appendix D**). Actual expenditure in relation to this provision totalled £7.050 million (43%) giving rise to a variance of £9.298 million. This is a significant underspend and arises primarily from a revision to the profile of main contractor payments on the redevelopment of Rushcliffe Arena and Bridgford Hall. In addition, there was uncertainty with regard to the timing of the release of the agreed new loan to Nottinghamshire County Cricket Club. The Capital provisions for these three large schemes are committed and are required to be carried forward. There was a need to bring the sum of £428,000 forward from the 2016/17 Capital Programme to support the accelerated purchase of 3 Refuse Freighters which were becoming uneconomical and giving rise to revenue pressures. The balance in contingency of £100,000 is also requested to be carried forward to provide an additional flexible resource to support the ambitious future Capital Programme. Minor savings of £75,000 were achieved on a number of smaller schemes.

Table 2: Summary of Capital Expenditure 2015/16

CAPITAL PROGRAMME OUTTURN 2015-16				
EXPENDITURE SUMMARY	Current Budget £000	Actual £000	Variance £000	Variance %
Transformation	2,092	881	(1,211)	(57.89)
Neighbourhoods	1,955	1,836	(119)	(6.09)
Communities	302	152	(150)	(49.67)
Corporate Governance	550	356	(194)	(35.27)
Finance & Commercial	11,345	3,825	(7,520)	(66.28)
Contingency	104	0	(104)	(100.00)
	16,348	7,050	(9,298)	(56.88)
FINANCING ANALYSIS				
Capital Receipts	(3,948)	(2,429)	(1,519)	(38.48)
Government Grants	(297)	(292)	(5)	(1.68)
Other Grants/Contributions	(1,096)	(409)	(687)	(62.68)
Use of Reserves	(5,021)	(3,920)	(1,101)	(21.93)
Internal Borrowing	(5,986)	-	(5,986)	(100.00)
	(16,348)	(7,050)	(9,298)	(56.88)
NET EXPENDITURE	-	-	-	-

4.7 **Appendix D** shows a large carry forward of £9.651 million is required to meet the Council's commitments and ambitions for future investment in the Borough. Officers have worked diligently towards securing the necessary funding and delivery programmes for two major redevelopment schemes: Rushcliffe Arena re-development and Bridgford Hall and planned expenditure continues into 2016/17 to meet the expected completion dates. Details of these and other carry forwards are given below.

Transformation

4.8 The actual of £0.881 million represents 42% of the current budget. The majority of the £1.2 million underspend is required to be carry forward to continue to support strategic acquisitions in Cotgrave and for completion of the major redevelopment of Bridgford Hall. Minor carry forwards (£20,000) for Colliers Way Industrial Units and (£50,000) for Civic Centre necessary health and safety enhancements are also requested. The first tranche of a contribution to Nottinghamshire Broadband (£162,000) has been released with a further £83,000 due in 2016/17.

Neighbourhoods

4.9 A small underspend of £119,000 was realised. The total provision of £409,000 for Support for Registered Housing Providers is requested to be carried

forward to support the delivery of future affordable housing schemes. Discussions continue with Metropolitan and Waterloo Housing to explore the delivery of housing options for future years including a second programme of garage site development and the continuation of the rural exception site programme. The Vehicle Replacement programme was accelerated in 2015/16 to buy 3 new Refuse Freighters in order to save rising revenue costs of the existing old vehicles. The overspend of £428,000 will be covered by the provision made in the 2016/17 Capital Programme. Carry forward requests are also made for the balance of funding for Disabled Facilities Grants and Top-up grants.

Communities

- 4.10 The third year of the agreed loan conversion for Nottinghamshire County Cricket Club was processed in 2015/16. Approved Capital Grants continued to be released but the timing of these is difficult to predict as is reliant upon third party works. The underspend of £80,000 is needed to be carried forward to support agreed grant commitments. There is an outstanding Community Partnership Grant for Keyworth Activity Park (£25,000) but this is likely to be taken up in 2016/17 and needs carrying forward. Fencing and infrastructure works have been completed at Alford Road Play Area which is a Special Expense item. The resultant £45,000 is to be released as a saving as no further works have been identified.

Corporate Governance

- 4.11 Expenditure to date of £356,000 includes ICT replacement kit, technical infrastructure, network and server replacements, and a contribution towards an HR/Payroll enhancement and. Future commitments are: kit to support the FIT programme, a telephony solution, and an enterprise solution for Building and Development Control. The unspent balance of £194,000 needs to be carried forward to support IS Strategy costs associated with the move to the Arena.

Finance & Commercial

- 4.12 A significant variance of £7.5 million is showing and has arisen from the uncertainty with regard to the timing of the release of the agreed new loan to Nottinghamshire County Cricket club and also as a result of a revision to the profile of main contractor payments on the Arena scheme as works progress. Carry forward of both unspent sums is required. The programme also contained a provision of £0.5 million for Funding Circle Loans to support economic development and facilitate the provision of small loans to local businesses. A subsequent review of such loans has been carried out and it has been decided to carry forward this sum and add it to that available in the Council's Asset Investment Strategy. Works are complete on Bingham Leisure Centre Floodlights and other enhancements, Rushcliffe Leisure Centre Gym and additional temporary car parking spaces. The sum of £100,000 remaining in Capital Contingency has been identified as necessary to be carried forward to support the future capital programme.
- 4.13 In conclusion, the Council continues to face many significant financial challenges. The 2015/16 financial outturn position demonstrates how the Council manages to balance a shrinking budget with a culture of prudence,

and through the Capital Programme focuses on investment and growth in the borough.

5. Other Options Considered

5.1. There are no other options identified, subject to the views of Cabinet.

6. Risk and Uncertainties

6.1. The underspend position present an upside risk in terms of providing further funding to ensure the Council delivers its corporate priorities and helps meet funding pressures within the MTFS and the inherent risks in an increasingly volatile financial environment now exacerbated by the uncertainty of leaving the European Union.

7. Implications

7.1. Finance

These are contained within the body of the report with commentary on revenue (Section 4.1 to 4.3), reserves (section 4.4 to 4.5) and capital (sections 4.6 to 4.12).

7.2. Legal

There are no direct legal implications.

7.3. Corporate Priorities

Securing a balanced budget is critical in delivering the Council's Corporate Priorities.

7.4. Other Implications

None

For more information contact:	Peter Linfield Executive Manager – Finance and Corporate Services 0115 914 8439 email plinfield@rushcliffe.gov.uk
Background papers Available for Inspection:	Previous Revenue and Capital monitoring reports throughout the year
List of appendices (if any):	Appendix A – Revenue Budget 2015/16 – Main Variances Over £50,000 Appendix B – Revenue Outturn Position 2015/16 Appendix C – Movement in Reserves Appendix D – Capital Programme 2015/16 Outturn

Revenue Budget 2015/16 – Main Variances over £50,000

Service Area	Description	Under () / Overspends £'000
Communities		
Development Control	Costs of planning enquiry and less income than budgeted	109
Land Charges	Return of over-provision for Tinkler claims due to receipt of grant	(56)
Corporate Governance and Operations		
Electoral Registration	Additional costs associated with Individual Electoral Registration, of which approximately half offset by receipt of Section 31 specific government grant	66
Finance & Commercial		
Investment Interest	Increase in income due to more creative investment strategies	(222)
Contingencies	Balance of contingency not drawn upon	(86)
Car Parks	Surpluses made on both off-street and on-street parking	(65)
Council Tax and Housing Benefits	Administration recharge savings from the Business support Unit	(184)
Housing Benefits	Reduction in bad debt provision, reduced costs in respect of discretionary housing payments, reduction in the net cost of housing benefit payments	(154)
Neighbourhoods		
Waste Collection & Recycling	Additional staffing and recharge costs offset by savings on diesel	137
Transformation		
Economic Development	Slippage on Strategic Growth money	(80)

Revenue Outturn Position 2015/16

	Pd 12 Position - excl recharges				Total Costs				Variation Explanation
	Performance Clinic Info.				Budget	Actual	Total	Variation	
	Budget YTD £'000	Actual YTD £'000	Total Variation £'000	Variation %	£'000	Outturn £'000	Variation £'000	%	
Communities	809	799	(10)	(1%)	2,665	2,591	(74)	(3%)	
Corporate Governance and Operations	3,196	3,088	(108)	(3%)	1,364	1,368	4	0%	
Finance and Commercial	2,087	1,491	(596)	(29%)	3,159	2,301	(858)	(27%)	See Appendix A
Neighbourhoods	3,086	3,027	(59)	(2%)	4,326	4,384	58	1%	
Transformation	1,091	842	(249)	(23%)	138	(66)	(204)	(148%)	
Net Service Expenditure	10,269	9,247	(1,022)	(58%)	11,652	10,578	(1,074)	(9%)	
Capital Accounting Adjustments					(1,503)	(1,388)	115	(8%)	Accounting treatment for capital accounting charges. Expenditure is reflected in the services
Grant Income (including New Homes Bonus)					(4,089)	(4,217)	(128)	3%	S31 grants (£128k)
Transfer to/(from) Reserves					868	1,955	1,087	125%	Revenue underspend (£1,074k), additional grant income (£128k) and variations arising on capital adjustments £115k
Revenue contribution to capital					159	159	0	0%	
Shelford & Newton Budget					20	20	0	0%	
Total Net Service Expenditure					7,107	7,107	0	0%	

Appendix C

Reserves 2015/16	Balance at 1st April 2015	Transfers In	Transfers Out	Balance 31st March 2016
	£000	£000	£000	£000
Investment Reserves				
Regeneration & Community Projects	2,185	188	1,076	1,297
Cotgrave Regeneration Project	245	55		300
Council Assets & Service Delivery	832	131	270	693
Local Area Agreement	294		152	142
New Homes Bonus	2,576	1,870	1,020	3,426
Invest to Save	200		50	150
Corporate Reserves				
Organisational Stabilisation Reserve	3,908	923	2,382	2,449
Risk & Insurance	100			100
Planning Appeals	349			349
Elections	265		112	153
Operating Reserves				
Planning	187			187
Leisure Centre Maintenance	161	37	59	139
Lottery	55			55
Planned Maintenance	100			100
Total	11,457	3,204	5,121	9,540

Transfers In Notes	Transfers Out Notes
£30k The Point surplus, £50k Rev Contrbn Special Expenses, £108k Special Expenses Annuity	£1m to meet Arena development £1m, Special expenses £44k, Business Rates Growth £14k, The Point £18k
Cotgrave Surplus	
S31 grant income	£265k re. Arena development, £5k additional CAC
	To meet broadband project
NHB receipt	£1m to meet Arena development, £20k Member Community Grants
	Towards Arena development
£460k revenue underspend, £461k SBRR, £2k Collection Fund surplus	£1.34m to meet Arena dev, £500k Business Rates deficit, £100k Economic Development, £442k to balance revenue budget
	May 2015 Borough elections
Unused contribution from Notts CC	£50k floodlighting at BLC, £9k Other joint use maintenance

Capital Programme 2015/16 – Outturn

CAPITAL PROGRAMME OUTTURN 2015/16									
	Original Budget	Current Budget	Budget YTD	Actual	Variance	Carry Forward	Acceleration	(Saving)/Overspend	TOTAL
		£000	£000	£000	£'000				
TRANSFORMATION									
Cotgrave Masterplan	0	572	572	217	(355)	(355)			(355)
The Point Enhancements	0	80	80	80	0	0			0
Civic Centre Level 4	0	29	29	29	0	0			0
Colliers Way Industrial Units	20	20	20	0	(20)	(20)			(20)
Bingham Market Place Improvements	0	80	80	76	(4)			(4)	(4)
Bridgford Hall Refurbishment	500	1,099	1,099	317	(782)	(782)			(782)
Civic Centre Enhancements - General	0	50	50	0	(50)	(50)			(50)
Nottinghamshire Broadband	162	162	162	162	0	0			0
	682	2,092	2,092	881	(1,211)	(1,207)	0	(4)	(1,211)
NEIGHBOURHOODS									
Support for Registered Housing Providers	369	409	409	0	(409)	(409)			(409)
The Bungalow Boundary Road	0	30	30	21	(9)			(9)	(9)
Hound Lodge Enhancements	60	60	60	57	(3)			(3)	(3)
Wheeled Bins Acquisition	60	60	60	60	0	0			0
Disabled Facilities Grants	375	403	403	337	(66)	(66)			(66)
Discretionary Top Ups	0	60	60	0	(60)	(60)			(60)
Vehicle Replacement	877	933	933	1,361	428		428		428
	1,741	1,955	1,955	1,836	(119)	(535)	428	(12)	(119)

CAPITAL PROGRAMME OUTTURN 2015/16

	Original Budget	Current Budget	Budget YTD	Actual	Variance	Carry Forward	Acceleration	(Saving)/Overspend	TOTAL
		£000	£000	£000	£'000				
COMMUNITIES									
Community Partnership Reward Grants	0	25	25	0	(25)	(25)			(25)
Nottinghamshire Cricket Club - Grant	90	90	90	90	0	0			0
Capital Grant Funding	60	97	97	17	(80)	(80)			(80)
Alford Road Play Area	50	90	90	45	(45)			(45)	(45)
	200	302	302	152	(150)	(105)	0	(45)	(150)
CORPORATE GOVERNANCE									
IS Strategy	369	550	550	356	(194)	(194)			(194)
	369	550	550	356	(194)	(194)	0	0	(194)
FINANCE & COMMERCIAL									
BLC Floodlights	50	50	50	50	0	0			0
RLC - Gym Centre Enhancements	0	47	47	49	2			2	2
Arena Development	5,905	7,965	7,965	3,655	(4,310)	(4,310)			(4,310)
BLC Enhancements	0	43	43	43	0	0			0
RLC - Additional Car Parking Spaces	0	40	40	28	(12)			(12)	(12)
NCCC loan 2015-16	0	2,700	2,700	0	(2,700)	(2,700)			(2,700)
Funding Circle Loans	0	500	500	0	(500)	(500)			(500)
	5,955	11,345	11,345	3,825	(7,520)	(7,510)	0	(10)	(7,520)
CONTINGENCY									
Contingency	150	104	104		(104)	(100)		(4)	(104)
	150	104	104	0	(104)	(100)	0	(4)	(104)
TOTAL	9,097	16,348	16,348	7,050	(9,298)	(9,651)	428	(75)	(9,298)

Report of the Monitoring Officer

Cabinet Portfolio Holder Councillor D J Mason

1. Summary

- 1.1 The Monitoring Officer is responsible for ensuring that the Constitution is maintained. There have been significant legislative changes that have been accounted for in the revisions that are attached. In addition changes have been incorporated in order to clarify responsibilities for functions and ensure that the wording reflects the structure of the Council.
- 1.2 The Corporate Governance Group at its meeting on 28 June 2016 considered a first draft of the document. The Group's observations and proposed changes are detailed in this report and comments in respect of formatting, typographical and factual changes have been reflected in a revised draft.
- 1.3 The Corporate Governance Group has requested that they have a further opportunity to consider the final draft at its meeting on 8 September 2016. It is anticipated, subject to Cabinet's support, that the final version will be submitted to Full Council on 22 September 2016.

2. Recommendations

That the Constitution as amended be RECOMMENDED to Council for approval.

3. Reasons for the Recommendation

- 3.1 To comply with relevant legislation and ensure that the Constitution reflects both the law as it stands presently and the structure of the Authority.

4. Review of the Constitution

- 4.1 The Council's Constitution is largely fit for purpose. A light touch review of the Constitution has taken place in order to ensure its provisions are in line with both legislation and the structure of the Authority.
- 4.2 A root and branch review of the Constitution requires a significant time input from both members and officers that is not presently available owing to other outward facing corporate projects that are currently underway. However consideration could be given through a workshop approach accommodated alongside the budget workshops later in the year.

- 4.3 Changes that have been necessary include provisions to bring the Constitution in to line with the changes brought about through The Localism Act 2011 that removed the Statutory Petition Scheme that had previously been introduced by the Local Democracy, Economic Development and Construction Act 2009. The Constitution has been amended in order to reflect this change in law.
- 4.4 Appendix A summarises the original proposed changes considered by the Corporate Governance Group.
- 4.5 The Corporate Governance Group at its meeting on 28 June 2016 considered and a first draft of the document. The Group's observations and proposed changes are summarised below in table 1, along with officer commentary. Comments in respect of formatting, typographical and factual changes have been reflected in a revised electronic copy of the Constitution available with this report.

Table 1

Ref	CGG Comment/observation	Officer Commentary
Article 7	Members were informed that Article 7 had been updated to reflect the current Cabinet structure. Members pointed out that Business Continuity had been deleted from the list of responsibilities and asked that this be included as it was felt to be extremely important to the running of the Council	Officers agreed to ensure that this was not removed.
Article 11	Members queried the second bullet point of 11.3 as it was felt that Council did not require Cabinet's agreement	This is required as Executive Functions are required to be exercised by the Executive (Cabinet) and cannot be exercised by Council.
Article 16	Would the Constitution be included on the Council's web-site?	Yes
Part 6 Allowances	Members discussed the use of first class travel by officers and Members and how its use should be defined in the Constitution. Members felt that the cost between 1 st class and 2 nd class travel should be met by the individual.	Officer's allowances are in accordance with current terms and conditions and part of the contractual arrangements between the Head of Paid Services on behalf of the Authority and Employees. These matters are currently under negotiation. The Independent Remuneration Panel had recommended parity of allowances between Officers and Members when reviewed and the

		Panel would be required to consider these matters before taking this.
General	<p>The Group discussed the possibility of allowing members of the public to speak at Council and Development Control Committee meetings.</p> <p>Members believed that the public felt marginalised because they could not address Councillors in a meeting and therefore were disengaged with the Council. The Group felt that, by allowing public speaking, it would make the system more transparent.</p>	The Officers note the comments of the Group however this would require broader considerations of when and where members considered this to be appropriate, timings, etc. Such matters would be considered through an in-depth review of the Constitution in the future.
General	With regards to transparency, some Members indicated that they were unaware of discussions at Member Groups and felt that these should be included on the Members' Extranet.	<p>These are not formal committees or sub-committees for the purposes of the Local Government Act 1972, but rather working groups with no delegated decision-making powers. As such they are not covered by the access to information provisions of the 1972 Act. Members have generally accepted this as they appreciate that it would inhibit debate at such meetings if they were open to the public. Many other authorities have groups of this nature.</p> <p>It is also worth noting that all of the group leaders accepted this when they signed up to a protocol allowing members who aren't actually on the group in question to attend such meetings as observers in certain circumstances, e.g. where the political group is unrepresented on the Member Group in question (one observer allowed) or as a training opportunity.</p>
General	Members felt that the Constitution was an important document and	Accepted. Officers wanted to strike a balance between

	<p>that officers should reconsider the document as a whole and ensure that there was a consistent approach. Members gave examples of inconsistencies such as capitalisation, typographical errors, job titles and page numbering.</p> <p>Members requested that the document should have a comprehensive index and that, as it would be placed on the Council's website, it should be bookmarked.</p>	<p>presenting members with a working document to enable them to shape the outcome and presenting a fully finished version. The input of members to the working document was felt to be more valuable to enable proper scrutiny rather than something that is fait accompli that members are being asked to rubber stamp. Consequently a first draft for comment was presented, with the intention of finalising page numbers and content pages once comments had been received.</p> <p>A revised version of the Constitution addressing these comments is included on the agenda.</p> <p>Subject to approval by Full Council in September a new version will then be placed on the Council's website.</p>
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5. Implications

5.1. Finance

The Constitution, and in particular the finance regulations, underpin the good financial governance of the Authority. There are no direct financial implications arising from the report.

5.2. Legal

The Constitution underpins and provides authority for the governance arrangements of the Council and it is essential that it is maintained so as to provide this framework.

5.3. Corporate Priorities

The Constitution enables delivery of the Corporate Priorities.

5.4. Other Implications

None.

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Background papers Available for Inspection:	Draft Constitution – to be emailed separately
List of appendices (if any):	Appendix A – Table of proposed original significant amendments considered by the Corporate Governance Group.

APPENDIX A

Section	Reference	Description of proposed change
Part 1 – Summary and explanation	How the Council operates	Factual amendment to reflect change in number of Councillors.
Part 2 – Articles of the Constitution	Article 1	No change
	Article 2 Members of the Council	Proposed minor amendments to reflect current Council structure and practices. Para 2.3 Insert – represents their communities and bring their values into the Council's decision-making process, i.e. become advocates of and for their communities Page 8 – Knowledge – delete - basic understanding of local government finances and audit processes
	Article 3 Citizens and the Council	Proposed minor amendments to reflect current Council structure and practices. (b) Citizens have a right to: Insert – (v) register and vote; and (vi) respond to consultations.
	Article 4 The Full Council	Proposed minor amendments to reflect current Council structure.
	Article 5 Chairing the Council	No change
	Article 6 Scrutiny Committees	No change
	Article 7 Cabinet	Proposed minor amendments to reflect current Council structure and revised remit of Cabinet portfolio holders.
	Article 8 Regulatory and other Committees and Member Groups	Proposed minor amendments to reflect current Council structure. In addition the remit of the Employment Appeals Committee has been amended to include absence and the Local Development Framework Group remit has been updated.
	Article 9 The Standards Committee	9.1 – Insert – and associated legislation.
	Article 10	No change
	Article 11 Joint Arrangements	Procedure for appointments to Joint Committees clarified. Insert 11.3 - Appointments to joint committees will be made by: <ul style="list-style-type: none"> • The Council, where all the functions of the joint committee are the responsibility of the Council • The Council with the agreement of the Cabinet, where some of the functions of the joint committee are the responsibility of the Council and some are the responsibility of the Cabinet • The Cabinet, where all of the functions of the joint committee are the responsibility of the Cabinet.
	Article 12 Officers	Proposed minor amendments to reflect current Council structure and practices.
	Article 13 Decision	Proposed minor amendments to reflect current Council structure and practices. Plus Increased clarity with regard

	Making	to Chief Executive's role in support of decision making. Insert 13.9 - Officers' role in support of decision-making The Chief Executive will have primary responsibility for ensuring that all decisions taken by the Council, the Cabinet or any other Council body are taken according to a proper process and full consideration of all relevant facts and circumstances
	Article 14 Finance, contracts and legal matters	Proposed minor amendments to reflect current Council structure and practices, including amendment to the authorisation of the official seal for contracts.
	Article 15	No change
	Article 16	No change
Part 3 – Responsibility and Functions	Throughout Part 3	Proposed minor amendments to reflect current Council structure and practices.
Part 4 – Rules of Procedure	10.6 – 10.14 21.1 – 21.7	Proposed removal of the provision for a statutory petition scheme.
	Throughout Part 4	Minor amendments to reflect current Council structure and practices.
	Standing Orders relating to contracts	Proposed amendments to update and clarify procedures and requirements in relations to contracts. Some proposed increases to financial thresholds to bring into line with current prices.
	Officer Employment	Update of provisions relating to officer recruitment, employment and dismissal in accordance with scheme as agreed by Full Council June 2015.
Part 5 – Codes and Protocols	Throughout Part 5	Minor amendments to reflect current Council structure and practices.
	RBC's Petition Scheme	Amendments to reflect removal of a national petition scheme.
	Corporate Information Security Access Policies	Proposed strengthening of corporate information security access policies to reflect current legislative and best practice requirements.
Part 6 – Members Allowances Scheme		Updated to reflect legislative changes and approved recommendations of the independent review panel and reaffirmed by Full Council March 2015.