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ratification at the next Council Meeting



**MINUTES
OF THE MEETING OF THE
COUNCIL
THURSDAY 21 JUNE 2012**

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

I I Korn - Mayor
B R Buschman - Deputy Mayor

PRESENT:

Councillors L J Abbey, Mrs S P Bailey, J R Bannister, D G Bell, Mrs D M Boote, S J Boote, N A Brown, R L Butler, H A Chewings, J N Clarke, T Combellack, L B Cooper, J A Cranswick, B G Dale, G Davidson, A M Dickinson, J E Fearon, J E Greenwood, M G Hemsley, R Hetherington, R M Jones, K A Khan, N C Lawrence, E J Lungley, A MacInnes, Mrs M M Males, G R Mallender, S E Mallender, Mrs J M Marshall, F J Mason, G S Moore, B A Nicholls, F A Purdue-Horan, D V Smith, Mrs J A Smith, P Smith, J A Stockwood, Mrs M Stockwood, B Tansley, H Tipton, T Vennett Smith and D G Wheeler

ALSO IN ATTENDANCE:

1 Member of the Public

OFFICERS PRESENT:

D Banks	Head of Environment & Waste Management
C Bullett	Deputy Chief Executive (CB)
A Graham	Chief Executive
P Randle	Deputy Chief Executive (PR)
P Steed	Director of Finance
L Reid Jones	Democratic Services Manager
D Swaine	Head of Corporate Services

APOLOGIES FOR ABSENCE:

Councillors R A Adair, N K Boughton-Smith, J E Cottee, D J Mason, E A Plant and S J Robinson

OPENING PRAYER

The Meeting was led in prayer by the Mayor's Chaplain

1. Declarations of Interest

There were none declared.

2. Minutes

The minutes of the meeting held on Thursday 24 May 2012 were received as a correct record and signed by the Mayor.

3. Mayor's Announcements

The Mayor informed Council that he had attended 12 functions in his first month as Mayor, of which nine had been in villages or churches. He had also visited the cement works. The highlights for the Mayor had been the Test Match at Trent Bridge, the Royal Garden Party at Buckingham Palace and the visit of Her Majesty the Queen to Nottingham, at which he and the Mayoress had shaken hands with the Queen.

Finally the Mayor had great honour in presenting a gift to Councillor Basil Nicholls who had served the residents of Rushcliffe for over 25 years.

Councillor Nicholls thanked the Mayor and said he had enjoyed serving Rushcliffe as a Councillor.

4. Leader's Announcements

Councillor Clarke stated that he was delighted to inform Members that the Council was one of two councils who had been achieved the LGA's Future Challenges Transformation Team status for its work on a Streetwise social franchising model. He added that the related funding would assist the Council in pushing boundaries for change and innovation.

5. Chief Executive's Announcements

The Chief Executive drew Members' attention to the safe passage of the Olympic Torch through Rushcliffe on 28 June 2012. He added that considerable work had been undertaken by staff working in partnership with other agencies, to ensure it was a celebratory and safe event. He reminded Members that the Civic Centre balcony was being opened for Members and their partners and staff to watch the torch passing by.

6. New Standards Arrangements

Councillor Clarke presented a report setting out the recommendations of the Standards Committee outlining proposed revised arrangements following changes to the Standards regime resulting from the Localism Act 2011. The report informed Members that a Sub-Committee of the Standards Committee had been established and had met on two occasions to consider revised arrangements. The recommendations of the Sub-Committee had then been considered by the Standards Committee who had subsequently made recommendations to Council as set out in the report.

By further reference to the report Councillor Clarke informed Council that it was recommended that a new Standards Committee be established to deal with any conduct issues which may arise in future. He added that proposed terms of reference for this new committee were set out in the report.

Commenting further Councillor Clarke stated that he supported the presence of independent and parish members on this new Standards Committee but recognised that as co-optees they would not have a vote. He added that as a standing committee of the Council its Councillor membership would have to be consistent with the principles of political balance, but could be reviewed at an

appropriate stage in the future if this was considered necessary. However, due to the quasi-judicial role of the committee when dealing with ethical standards issues, he hoped that it would not be a political committee, and its Borough Council members would act in a fair, rational and reasonable manner.

Councillor Clarke moved an amendment to the recommendations, seconded by Councillor Cranswick as follows

Delete existing recommendations b. and c. and replace with:

- b. agrees that the political groups make their respective nominations directly to the Monitoring Officer based on the allocation of positions as set out in paragraph 6 of the report
- c. requests that the composition and role of the new Standards Committee be reviewed prior to the conclusion of the municipal year 2012/13 and reports the findings of this review to Council.

Councillor Davidson stated that it was very important for the public to have confidence in Councillor behaviour and consequently he welcomed the proposal to retain some form of Standards Committee to monitor standards and compliance with the code of conduct. He was pleased that the composition of the Committee was not being set in stone, as he was of the view that it was better from the public's perception that one political group did not have overall control of the committee. In relation to recommendation (f) he stated that the Independent Person was not actually a member of the committee but was a requirement of the new legislation and part of the new process for dealing with Councillor complaints. Commenting further Councillor Davidson stated that whilst he recognised that the new regime did not have within it formal sanctions set out in law, he anticipated Councillors would continue to behave properly and where necessary accept any sanctions legitimately imposed. However, he believed it was regrettable that it appeared that stringent obligations regarding behavioural standards were getting tighter elsewhere but not in the public sector.

Councillor MacInnes stated that the limited powers of the new Standards Committee to sanction Members who broke the code was of concern. However he welcomed the new regime and the establishment of a new Committee, and a robust and effective code of conduct. He said that without a Standards Committee the responsibility for investigating Member conduct could fall to an officer, and in the interest of fairness, justice and transparency this was not right. He thought that the previous system had worked well, although it was cumbersome, and that its success could be replicated. Although the independent and parish representatives of the new committees could not vote, he stated that their membership was important as they brought an independent perspective to proceedings.

Councillor S Mallender supported the recommendations and commented that any parish council representatives should not be representative of a political party.

Councillor Khan stated that he had been a member of the Standards Sub-Committee and supported the report's recommendations. In his view it was

very important to uphold fairness so that the public had confidence in elected Councillors. He continued that in the current climate ethical arrangements were important in order to maintain and improve public trust. He drew comparisons with the prescribed standards of conduct and ethics in other industries, including the pharmaceutical industry. He stated that sanctions could be enforced by the courts, and ultimately at the ballot box. He added that the officers had produced excellent work enabling the Sub-Committee and the Standards Committee to make the recommendations now before Council. He added that in his view it was very important to ensure measures were in place to enhance political and public trust and for Councillors to do all they could to achieve this.

In supporting the recommendations Councillor S Boote stated that changes to the standards regime had arisen from the Localism Act, which had given more powers to councils to run their own affairs. However he believed there was a danger that the standards regime could become too diluted and ineffective. He thought that there had been significant bad press and as such local and national politicians were treated with contempt and suspicion by the public, some of whom thought they were in it for personal gain. He said it was essential that there was a fair, strict and transparent regime in the Council and there should be effective provision for enforcement of the code, and the delivery of actions to safeguard the interests of the public.

Councillor Cranswick commented that he did not think standards had become relaxed in the public sector and that the expectation was for the highest standards of behaviour across all Councillors. He shared concerns about the implementation of sanctions under the new regime, however he believed it was important that Councillors accepted any judgement made on them and modified their behaviour accordingly.

In summarising Councillor Clarke stated that Councillors should act in the spirit within which the Act was intended. He added that if a parish councillor was invited on to the committee it would be more effective if they were only a parish councillor and not a "dual-hatted" member, that way it would ensure against the perception of the Committee being made up of solely Borough Councillors. Given the comments made he believed that Council recognised that a Committee should be established and it was in the public interest to do so.

RESOLVED that Council:

- a. agrees the establishment of a new Standards Committee in accordance with the terms of reference set out at **appendix 1** of the report and that this committee comprise of six Borough Councillors, two parish members and one independent member
- b. agrees that the political groups make their respective nominations directly to the Monitoring Officer based on the allocation of positions as set out in paragraph 6 of the report
- c. requests that the composition and role of the new Standards Committee be reviewed prior to the conclusion of the municipal year 2012/13 and reports the findings of this review to Council

- d. agrees that a Sub-Committee of the new Standards Committee, comprising of at least 3 Borough Councillors, hear cases where an investigation into alleged misconduct finds a case to answer, with more significant or serious cases being referred to the full Standards Committee based on the criteria as set out at **appendix 2** of the report,
- e. authorises the Chief Executive and Monitoring Officer to make the necessary arrangements to recruit to the two parish and one independent member positions; and agrees that existing allowances under the Members' Allowances Scheme continue to apply to these members of the Committee;
- f. authorises the Chief Executive and Monitoring Officer to make the necessary arrangements for Council to appoint the Independent Person as required by section 28 of the Localism Act and that the Independent Person be paid an annual fee equivalent to that of an independent member of the Standards Committee.
- g. requests that the Monitoring Officer report a proposed revised Councillor Complaints Procedure reflective of the new arrangements to a future meeting of Council for agreement.

7. New Code of Conduct

Councillor Clarke presented a report setting out a proposed new code of conduct which was recommended to Council by the Standards Committee following changes to the Standards regime resulting from the Localism Act 2011. The Standards Committee had considered the 'illustrative text' for a code of conduct provided by the Department for Communities and Local Government, and the Local Government Association's template code of conduct. The report informed Members that the Standards Committee had agreed a hybrid of these, including provisions from the existing Code relating to advice of the statutory officers, confidentiality and equality. Councillor Clarke proposed that an additional recommendation be included to reflect that all Members would have to re-register their interests under the new provisions, otherwise they would be in breach of the code of conduct.

Councillor Davidson supported the recommendations and commented on the issue of the mandatory requirements relating to disclosable pecuniary interests.

Councillor MacInnes accepted that the code required simplifying and felt that the Standards Committee had arrived at such a position.

Councillor S Mallender supported the recommendations, stating that a much clearer code in plain English was welcomed.

Councillor Jones sought clarification regarding registering and declaring non-pecuniary interests and if the new code replaced the previous provisions regarding personal and prejudicial interests. He asked if the proposal in the report suspended the Council's Constitution as he was not clear if this was the case. In response the Monitoring Officer stated that the schedule contained in

the report set out specifically the pecuniary interests which had to be registered. He added that the Localism Act enabled the Council to include provisions in the code that it considered appropriate in respect of the registration and disclosure of interests. Furthermore the schedule had been put together taking into account the regulations that had only recently been published by the Government in relation to disclosable pecuniary interests. For the purposes of clarity the Monitoring Officer explained that the proposed new code as recommended by the Standards Committee would replace the existing one, however, it was intended to review the code and the provisions in it in relation to both pecuniary and non-pecuniary interests during the municipal year. If necessary this would be reported to Council once the new Standards Committee had considered the reviews findings.

RESOLVED that Council:

- a. agrees the draft Code of Conduct set out at **appendix 1** and accepts this as the code governing Borough Councillor behaviour,
- b. requests that the Monitoring Officer makes the necessary arrangements for training to be provided to Borough Councillors to aid understanding of the new code and the provisions within it,
- c. authorises the Monitoring Officer to make minor and consequential amendments to the Council's Guidance on Planning Applications Procedures as contained with Part 5, Codes and Protocols of the Council's Constitution,
- d. requests that the new Standards Committee reviews the Code of Conduct and its provisions in relation to the register of interest prior to the conclusion of the municipal year 2012/13, and reports the findings of this review to Full Council.

8. Revision of Policy Regarding the Relevance of Previous Convictions

Councillor Fearon introduced a report seeking endorsement of the revised policy regarding the relevance of previous convictions which were considered in relation to persons applying for a hackney carriage, private hire driver's licence and private hire operator's licence. He informed Council that the report had been considered by Cabinet in June 2012 and the revised policy was now being adopted by all Nottinghamshire councils. He explained that the revised policy contained changes in legislation since it had been last adopted in 2001. He informed Members that Cabinet had raised questions about previous convictions which had been included in paragraph 10 of the report. He stated that the enhanced CRB check would include a list of convictions going back to childhood.

Councillor S Boote pointed out that at Cabinet Councillors had asked whether a licence would be refused if the applicant had been convicted of murder 10 years previously. He drew attention to the Minutes of Cabinet (12 June 2012) which stated that it 'would be judged whether they were a fit and proper person', which Councillor S Boote felt was correct. However, he stated that the Council should allow the rehabilitation of any offender. He added that in relation to sex offenders, they stayed on the Sex Offenders Register after their

conviction was spent, however Cabinet had been informed that the position would be clarified prior to Council. Councillor S Boote stated that the policy had not been changed and the document was the same as the one presented to Cabinet. In view of this he asked that the recommendation be amended to read:

'That the revised policy be referred to Council on 27 September 2012 in order that the relevance of the Sex Offenders Register be clarified'.

Councillor Mrs Smith confirmed that she had raised the issue of sex offenders at Cabinet. She now understood that they would be debarred from being taxi drivers as they could not be in the close proximity of children as they would be on licence for the rest of their life.

Councillor Cranswick stated that the committee had to be satisfied that the person was fit and proper person to have a taxi licence and that the committee would have all the relevant information before them, including the enhanced CRB check. He added that it would be for the committee to decide whether the person had outridden all of their convictions. He stated that he could not see the difficulty in moving forward with this rather than deferring it to the September Council.

Councillor Bannister stated that Councillor Mrs Smith was correct regarding the Sex Offenders Register in relation to the conditions of the offender's status.

Councillor S Boote withdrew his amendment in view of the comments made by Members.

Councillor Bannister continued by stating that he welcomed anything regarding the rehabilitation of offenders and stated that employment was a good way of doing this. He said it was important that each application was considered on its own merits. In relation to the safety of the public he stated that it would be some time after a custodial sentence before an ex-offender could be in a position to apply for such a licence.

Councillor G R Mallender welcomed the report and concurred that it was important to deal with each application on its own merit.

In relation to the financial and crime and disorder comments on the report Councillor Jones stated that it would have been useful to have the views of the Police and the Nottinghamshire Safeguarding Adult's and Children's Boards included.

Councillor Clarke stated that the Cabinet had raised questions at the meeting, when it had considered the policy and these had been addressed. He added that these questions and comments had not been included in the report as Cabinet Members were satisfied with the comments made by officers.

In conclusion Councillor Fearon reiterated that the enhanced CRB check brought all the factors into play, but there was still a balance to be sought in relation to being able to re-employ the ex-offender. Furthermore it was

important that all factors were considered for each application when determining if an applicant was a fit and proper person to hold a licence.

RESOLVED that Council approve the revised policy regarding the relevance of previous convictions.

9. Armed Forces Covenant

Councillor Clarke introduced a report setting out proposals for the Council to pledge its support to the Armed Forces Community Covenant which aimed to foster a sense of community spirit between a civilian community and the local armed forces community. He stated that the Council should show its support for the armed forces. He reminded Council that whilst there was no base in the Borough, the impact of the armed forces was felt by relatives and friends of serving soldiers. He said it was right and proper for the Council to sign the Covenant to pledge support for them.

Councillor Cranswick recognised that the armed forces were some of the few people in public life who put themselves on the line, and it was important that this be recognised.

Councillor Davidson supported the Covenant.

Councillor MacInnes recognised the unique sacrifice people made, including the families of the armed forces, and veterans. He added that it was important that ex armed forces were given fair treatment to address the disadvantages they faced, such as relocation, deployment at short notice, high risk attachments. Furthermore it was sometimes difficult for ex-servicemen to get jobs or accommodation.

In supporting the Covenant Councillor S Mallender said that it was important that there was an understanding between all the communities of Rushcliffe, as armed forces personnel have particular needs. She added that support was needed when they returned to family life.

Councillor Vennett-Smith stated that it was the duty of the community to support the armed forces and that it was good that the Council were seen to be supportive.

Councillor Lawrence stated that he was delighted that the armed forces were getting the recognition they deserved, as there were serving members in the Borough.

Councillor Bannister said that there were good examples of ex armed forces in the Council who had adapted well to civilian life, however this was not always the case. He added that the number of ex-service personnel was proportionately high amongst offenders. He hoped that the Borough could help with the important facet of stable accommodation and employment to guard against re-offending.

The Mayor informed Council that 'armed forces' was to be the theme for the Civic Dinner in February.

In concluding Councillor Clarke reiterated the comments made and recognised that he thought the armed forces did a great job.

RESOLVED that the Council pledges its support to the Armed Forces Community Covenant.

10. Questions under Standing Order 11(2)

a) Question from councillor S Boote to Councillor Bell

Now that the Council is, regrettably, not required to nominate representatives to the Spirita scrutiny committee or its main board, what is the best way for the Council and individual councillors to influence the policies and performance of Metropolitan Housing?

Councillor Bell replied stating that it was correct that Spirita had been subsumed into Metropolitan Housing but Council scrutiny arrangements were still in place. He said that Councillors still had the opportunity to scrutinise the policies and performance of Metropolitan on an annual basis at the Partnership Delivery Group. He added that Councillors continued to have the opportunity to work directly with Metropolitan on individual cases.

Supplementary question

Councillor S Boote asked how effective the Partnership Delivery Group was in getting Spirita and Metropolitan Housing Trust to respond.

In response Councillor Bell stated that it was effective and that all Members who wished topics to be scrutinised could raise these in advance so that officers could come adequately prepared with answers.

b) Question from Councillor Davidson to Councillor Clarke

Can the Leader tell us what steps are being taken to halt the rapid deterioration in the condition of the Manor House in Bingham, which the Council has agreed to compulsorily purchase?

Councillor Clarke responded by stating that the premise of the question was incorrect and drew Member's attention to the minutes of Council on 5 March 2009 which stated that the Head of Planning & Place Shaping be authorised to make a compulsory purchase order if necessary. He emphasised the 'if necessary'. He informed Members that the owner of the property had complied with requests and the property had been made wind and watertight at that time. He added that the Council was now trying to secure access into the property to establish the condition of the building and would seek to serve a further repair notice, but had not met with co-operation from the owner. He stated that the situation was not satisfactory however the compulsory purchase order was a different situation.

Supplementary question

Councillor Davidson stated that the Manor House was an important listed building in Bingham and asked whether Councillor Clarke had visited it. He asked if he thought it was a suitable and good representation of how the Council looked after its properties.

Councillor Clarke responded stating that it was for the owners to look after listed buildings, rather than the Council. He continued by saying that if the owner did not keep it good repair then the Council would have to take the necessary steps to make sure improvements were made.

The meeting closed at 8.30 pm.

MAYOR