

When telephoning, please ask for: Constitutional Services
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: 29 November 2017



To all Members of the Council

Dear Councillor

A meeting of the RUSHCLIFFE BOROUGH COUNCIL will be held on Thursday 7 December 2017 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. B.', written over a light blue horizontal line.

Deputy Monitoring Officer

AGENDA

Opening Prayer

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes

To receive as a correct record the minutes of the Meeting of the Council held on Thursday 21 September 2017 (pages 1 - 9).

4. Mayor's Announcements.
5. Leader's Announcements
6. Chief Executive's Announcements
7. Arrangements for the Monitoring Officer Role

The report of the Chief Executive is attached (pages 10 – 12)

Rushcliffe Community
Contact Centre
Rectory Road
West Bridgford
Nottingham
NG2 6BU

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911
Email:
customerservices@rushcliffe.gov.uk

www.rushcliffe.gov.uk

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



8. Notices of Motion

1. Notice of Motion to be put to Council by Councillor Robinson

“This Council wishes to strongly express its frustration and disappointment in the commissioning by Nottingham City Council and Derby City Council of the recently released Metro Strategy, without involvement or dialogue with representatives of Rushcliffe Borough Council

and,

that as a Council, we welcome full engagement and discussions with Upper Tier Authorities on the reorganisation of Local Government on the strict understanding, any reorganisation must not negatively impact Growth in the Borough and the focus on delivering the highest quality of services to our residents.”

2. Notice of Motion to be put to Council by Councillor Robinson

“This Council welcomes and fully supports the Governments recent statements regarding penalising developers who choose not to implement and deliver the required housing following the receipt of planning permission. This Council will work with Government officials to investigate how this can best be achieved.”

3. Notice of Motion to be put to Council by Councillor S Mallender

“Rushcliffe Borough Council resolves that in response to growing global concerns about single use plastics an item be placed on the Community Development Group scrutiny work programme for 2018 to consider the following objectives

- a) Assess the current use and feasibility of reducing single use plastic in relation to Council activities
- b) Consider the provision of Council advice and information on single use plastic for local residents and businesses
- c) Make any recommendations for consideration by Cabinet for inclusion in the Council’s Waste and Recycling Action Plan which supports the Waste Strategy 2016 – 2020”

9. To answer questions from Councillors under Standing Order 11(2).

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 at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

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
COUNCIL**

THURSDAY 21 SEPTEMBER 2017

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

PRESENT:

Councillor Barrie Cooper - Mayor
Councillor Mrs Maureen Stockwood - Deputy Mayor

Councillors R A Adair, S P Bailey, K P Beardsall, N A Brown, M Buckle, B Buschman, R L Butler, H A Chewings, J N Clarke, T Combellack, L B Cooper, G Davidson, J Donoghue, M J Edwards, A J Edyvean, J E Greenwood, R Hetherington, S J Hull, R A Inglis, Mrs C E M Jeffreys, R M Jones, K A Khan, N C Lawrence, A MacInnes, G R Mallender, S E Mallender, D J Mason, S C Matthews, G S Moore, E A Plant, F A Purdue-Horan, S J Robinson, Mrs J A Smith, J A Stockwood, Mrs M Stockwood, J E Thurman, R G Upton, D G Wheeler, J G A Wheeler

OFFICERS PRESENT:

C Caven-Atack	Performance, Reputation and Constitutional Services Manager
M Elliott	Constitutional Services Team Leader
P Linfield	Executive Manager – Finance and Corporate Services
K Marriott	Executive Manager – Operations and Transformation
D Mitchell	Executive Manager – Communities
G O'Connell	Monitoring Officer

One member of the public.

APOLOGIES FOR ABSENCE:

Councillors J E Cottee, A M Dickinson, E J Lungley, Mrs M M Males, A Phillips

OPENING PRAYER

The Meeting was led in prayer by Reverend Hodder, the Mayor's Chaplain.

21. Declarations of Interest

There were none declared.

22. Minutes

The minutes of the meeting held on Thursday 29 June 2017 were received as a correct record and signed by the Mayor.

23. Mayor's Announcements

The Mayor began his announcements by asking for a minute's silence for former Councillor Nigel Boughton-Smith who passed away recently after a short illness. Councillor Boughton-Smith had represented the Ruddington ward from 2011 to 2015.

The Mayor presented a brief summary of his engagements since the last Council meeting including his Civic Service, a 100th birthday celebration, and a toilet-twining event. He thanked Councillors for supporting his charity quiz evening in July and reminded those present that his charity concert, featuring 'The Opera Dudes', was taking place in November.

24. Leader's Announcements

Councillor Robinson congratulated a number of officers for recently completing a Masters of Public Administration at Birmingham University. Rushcliffe has a long tradition of investing in staff development and Councillor Robinson commended the commitment shown by officers in studying for their qualifications on top of demanding full-time positions. Councillor Robinson also congratulated the Nottinghamshire County Cricket Club on winning both the One Day Cup and the TwentyTwenty Cup this season. He claimed this was a fantastic achievement for the Club that also benefited the Borough through record crowds of supporters making use of our local facilities and businesses. There would be a more formal event to mark the achievement in due course.

25. Chief Executive's Announcements

The Deputy Chief Executive was pleased to announce that the Council had recently been awarded the Silver Workplace Health Award demonstrating its on-going commitment to supporting a healthy workforce and remaining an employer of choice.

26. Statement of Accounts 2016/17

The Portfolio Holder for Finance presented the report of the Executive Manager – Finance and Corporate Services seeking approval for the Statement of Accounts for 2016/17 and also for the Management Representation letter which confirmed that the external auditors were satisfied with the validity of the financial statements provided by the Council.

The report noted that the accounts for Local Authorities were required to be prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 ('the Code') and that the Annual Governance Statement must comply with the guidance issued by CIPFA/SOLACE ('Delivering Good Governance in Local Government') published in April 2016. The Statement of Accounts for 2016/17 was included as an appendix to the officer's report and included the Council's Annual Governance Statement which, in line with best practice, had been agreed with the Leader and Chief Executive.

The Statement of Accounts, and the draft Management Representation letter, had been considered by the Corporate Governance Group at its meeting on 13

September, 2017 where it had been resolved that they are supported and referred to full Council for approval.

Councillor Moore commended the hard work of officers to produce the Statement and receive an unqualified judgement from the auditors within the tighter timescales for this year. Councillor Robinson drew Councillors' attention to the significant achievements highlighted within the performance section of the Statement including the number of affordable homes delivered, occupation rates in industrial units and the increased letting income achieved by the Council. Officers were commended for their achievements in spite of the continuing financial challenges faced by the authority. Councillor MacInnes was heartened to see that the Council was in a very strong financial position and well placed to support the aspirations of the Council in the next few years.

It was RESOLVED that:

- a) the Statement of Accounts for 2016/17 at Appendix A of the officer's report be approved.
- b) the Management Representation letter at Appendix B of the officer's report be approved.

27. Asset Investment Strategy

Councillor Robinson presented the report of the Executive Manager – Finance and Corporate Services seeking approval for the revised Asset Investment Strategy, 2017-22. The Asset Investment Strategy was introduced to help support the Council's transition from financial dependency on Government grants to an increasing sustained and programmed revenue income from investments. It also provided a framework in relation to investment limits, types of investments and assessment processes. The strategy had also been designed to facilitate a mixed utilisation of the fund to maximise both economic and social benefits, whilst also enabling future growth across the Borough and mitigating investment risk. It was noted that it had become necessary to propose a change to the strategy to allow investments to be made outside of the Borough. This was necessary to provide more investment opportunities and, as a consequence, access to better rates of return which were appropriate to the risk of the investment.

Councillor Robinson reminded Councillors of the commitment he made to bridge the £1million budget gap without cutting services or jobs. He reiterated that the Asset Investment Strategy would help the Council to become financially independent from central government before the withdrawal of the Revenue Support Grant in 2019/20.

Whilst Councillor MacInnes commended the efforts of the Council to reduce the impact of the withdrawal of central government funding on local services and the community, he questioned whether the Council had the necessary skills or experience to deliver the Strategy and asked if there were plans in place to address this deficit. Councillor Robinson appreciated the support of other Councillors and assured them that the Council had a good track record in terms of asset investment to date. He also stated that some staff had recently

undertaken a commercialism course and that external experts were contracted where the Council felt it did not have the necessary skills in place to deliver.

It was RESOLVED that:

- a) the revised Asset Investment Strategy 2017- 22 be noted
- b) an Asset Investment Committee, as described at paragraph 5.2 of Appendix 1 of the officer's report, replaces the Asset Investment Strategy Group.
- c) the principle of investing beyond the Borough Council boundaries for a commercial return be approved.
- d) a further £5m be allocated to the Capital Programme, increasing the Asset Investment Strategy fund to £15.5m.

28. Approval of the Scrutiny Annual Reports

Councillor Robinson presented the report of the Executive Manager – Finance and Corporate Services which provided a review of the work undertaken by the Council's four scrutiny groups during 2016/17 and invited the four scrutiny group chairmen to deliver a brief summary of the work of their group over the last twelve months.

Councillor Combellack stated that the high points for the Community Development Group in 2016/17 included scrutinising the delivery of leisure strategy, the installation of rural broadband and an overview of reputation management.

Councillor Moore reported on the work of the Corporate Governance Group in what had been a very busy year. He commended officers for the speed and clarity of their reporting which made the job of scrutinising much easier.

In terms of the Partnership Delivery Group, Councillor Mrs Smith informed Council about the very interesting presentations by Positive Futures and Metropolitan Housing.

Councillors Wheeler and Chewings reported on the very successful scrutiny by Performance Management Board of Edwalton Golf Course and the excellent work done by the group in challenging the Council's partners to improve performance.

It was RESOLVED that:

- a) the work undertaken by the four scrutiny groups during 2016/17 be endorsed.

29. Notice of Motions

a) The following Motion was proposed by Councillor R Mallender and seconded by Councillor S Hull

"This council will ensure that all Minutes of member groups, including local growth boards, should be publically available on the Rushcliffe Borough Council website, as are minutes of committees and council meetings."

Councillor Mallender felt that the minutes of all meetings should be made publically available so that the public could see what was being discussed in a transparent manner. Councillor Plant added that in some cases certain parts of a discussion may need to be redacted (for example to protect sensitive information) but that other areas of the debate should be available for the public to view. She was particularly keen for the minutes of growth boards to be made available as there was considerable interest in these from local residents.

Councillor Robinson highlighted his disappointment that this motion had been brought before the Council as it was very similar to a motion which was lost less than a year ago. He explained that the Council has a different approach to Councillor Working Groups as these are non-decision making bodies whose purpose is to consider all of the options, and debate different ideas and solutions, before making a recommendation. That recommendation, and any necessary supporting evidence, would naturally be brought to a decision-making body, all of which are open and accessible to members of the public and minuted. He felt that it was important that members of a Working Group were able to talk freely before making a recommendation to a public group. Councillor Lawrence felt that residents tended to see information published by the Council as facts and decisions whether they reflect approved policy or not. Councillor Clarke considered that making the minutes of Working Groups publically available would restrict ideas and discussion, and inhibit creative thinking.

On being put to the vote the Motion was lost.

b) The following Motion was proposed by Councillor R Jones and seconded by Councillor G Davidson

"This Council resolves that in future large residential developments it is an absolute condition that an adequate area of play space is provided within the site including for ball games"

Councillor Jones advised the Council he wished to alter the Motion. The Monitoring Officer confirmed that, with the consent of the meeting, this was allowable under the terms of the Constitution and the proposed alteration to the Motion was circulated. Its effect would have been to add the following words to the end of the Motion: '*... and that a draft supplementary planning document be prepared and presented very soon*'.

On being put to the vote, Councillors did not consent to the Motion being altered in the manner proposed.

Councillor Jones, therefore, proposed the original Motion explaining that as the Borough prided itself on being a good place to live with good facilities it must not lose sight of the importance of play facilities for children on new developments.

He said that there were far fewer opportunities for children and young people to play outside in the fresh air than when he was a child; that free play outside was essential to tackling childhood obesity; and that it was the Borough Council's responsibility to provide safe places for children to play and meet. He highlighted that whilst extensive consultation was carried out on the Local Plan and individual planning applications, this was targeted at, and responded to, by adults – the voices of children and young people were not sought or heard. He claimed that new supplementary planning guidance was required to ensure that adequate play facilities were provided within all new developments.

Councillor Davidson seconded the Motion but reserved his right to speak.

Councillor Robinson stated that he found it very hard to disagree with the principles behind the Motion and made it clear he felt there was a very strong need for safe places to play. However, he considered the Motion to be ineffective and unworkable, and an ill reflection of the eloquent verbal comments presented to the meeting. He felt that the Motion, as submitted, was subjective, open to interpretation and undefined. He invited Councillor Upton to propose an amendment to the Motion.

Councillor Upton proposed an amendment to the Motion which, if agreed, would result in the amended Motion reading as follows:

“In line with Council and national planning policy this Council resolves to ensure that all future residential developments, where it is practicable to do so, will provide public play spaces for all age groups including space for informal ball games”

Councillor Upton added that the amended Motion supported the spirit of play spaces in new residential developments and that these should be for all age groups. A number of Councillors raised concern about the use of the words 'where practicable' and highlighted that they felt this gave developers a loop hole to exploit. Councillor Mason, in seconding the amendment and by way of explaining the use of the phrase 'where practicable', said that some sites may not need additional play spaces if they are considered to be very small or are clearly near an existing facility.

On being put to the vote the amendment to the Motion was accepted and the amended Motion became the substantive Motion.

On being put to the vote the substantive Motion was carried. The Council, therefore, agreed that: *“In line with Council and national planning policy this Council resolves to ensure that all future residential developments, where it is practicable to do so, will provide public play spaces for all age groups including space for informal ball games”*.

c) The following Motion was proposed by Councillor S Mallender and seconded by Councillor R Mallender

"This council will put in place guidelines for the demolition of buildings, to apply across the Borough, not just in conservation areas and in the vicinity of listed

buildings, to ensure that all conditions are met and that measures to make sure public and employee health and safety are in place."

Councillor S Mallender provided some background information to Council about a recent demolition in her ward and her experience of trying to take action on behalf of her residents. She felt that her experience, and therefore those of Rushcliffe residents in similar circumstances, could have been made easier and more effective if the Council had guidelines for the demolition of buildings on its website.

Councillor Upton believed that there was already sufficient national statutory guidance in this area and that there was no need for the Council to provide further guidance. He felt that introducing more local guidelines would be unnecessary complex and overly bureaucratic. Site safety under these circumstances was the responsibility of the Health and Safety Executive and that this Council should not seek to replicate the powers of others.

On being put to the vote the Motion was lost.

30. To answer questions under Standing Order 11 (2)

a) Question from Councillor Plant to Councillor Upton

"Could the Portfolio Holder for Housing and Planning tell me how many homeless households are at present in temporary accommodation, including B+B accommodation, and whether the number of homeless households has increased significantly in comparison to previous years?"

Councillor Upton responded that there are currently ten families or individuals in temporary accommodation – two in bed and breakfast, two in refuge accommodation and six in Hound Lodge hostel. He continued to state that in the year to date, the Council had received 29 homeless applications, which was 12 more than the same period last year. This upward trend reflects the national position and the Council's success in rehousing people demonstrates how seriously the Council takes this issue.

Supplementary question

Councillor Plant asked Councillor Upton what the 'significant number' of people rehoused was?

Councillor Upton replied that 19 families or individuals out of 29 applications had been rehoused.

b) Question from Councillor MacInnes to Councillor Moore

"What arrangements have been planned for consultation with Members on the 2018/19 Budget and Financial Strategy?"

Councillor Moore responded that Councillors will be fully involved in the budget process as in previous years. Initial workshop sessions, an afternoon and evening session, are being planned for early December to take into account the implications of the Autumn Statement. The outcome of these workshops, and

the information in the budget settlement due in December, will determine whether a further workshop is required in January 2018.

c) Question from Councillor MacInnes to Councillor Mason

“What progress has been made in identifying an alternative site for the Rushcliffe Borough Council and Nottinghamshire County Council services currently located at the Abbey Road Depot site in West Bridgford?”

Councillor Mason responded that the Council is continuing to work on various options to identify a preferred site in line with the recommendations agreed by Cabinet in September 2016. Officers are working on a business case due to be considered in March 2018. She assured Councillors that the Council was still on track to relocate the depot by March 2020.

Supplementary question

Councillor MacInnes stated that he had hoped for more details about the work to date including where options had already been discounted.

Councillor Mason responded that she was unable to give any further information at present as much of the work was commercially sensitive. However, she assured Councillors that information would be disseminated as soon as it was available and at a point where it would not put the project at risk.

d) Question from Councillor Edwards to Councillor Edyvean

“What progress has been made in exploring the setting-up of a property development company and revisiting the Social Housing allocation since the setting of this year's Council Budget in early March?”

Councillor Edyvean responded that officers have been exploring the best options for the Council's involvement in property companies and property development, and these options will be presented to Cabinet later this year in time to make suitable provision in the 2018/19 budget allocation. £909k from the 2017/18 budget has been allocated for working in partnership with Registered Housing Providers on new affordable housing and there is currently a further £450k in the budget for the next three years.

Supplementary question

Councillor Edwards asked if the property development company under consideration would take the lead in the Borough Council building more social housing directly.

Councillor Edyvean stated that he would report back to Councillors within the next seven days after consulting with officers.

e) Question from Councillor Edwards to Councillor Mason

“What progress has been made in bringing a recommendation made in August 2016 from the Community Development Group to Cabinet to invest the proceeds

of the sale of the Borough Art Collection in a feature sculpture/piece of art at our new Arena?"

Councillor Mason responded that the Council had now been at the Arena for nine months and that it was felt important to establish how the public space at was used before progressing with this project. It is clear that an opportunity exists to install an eye-catching outdoor public seating area on the paved area to the front of the building. The income from the art collection sale, £15k, has been supplemented with a budget for soft landscaping at the Arena, providing a total budget of £25k. Soft landscaping outside the building and the interior exhibition space are both being considered alongside the exterior paved area. Aesthetics are being balanced with usability and cost to find the best solution overall.

Supplementary question

Councillor Edwards reported that he was glad that progress was being made but felt that the Community Development Group recommendation was being diluted. Councillor Edwards asked that Cabinet make the project a priority for the coming months.

Councillor Mason reported that officers were already looking at how best to maximise the £25k that is available.

The meeting closed at 9.43pm.

MAYOR



Council

7 December 2017

Arrangements for the Monitoring Officer Role

7

Report of the Chief Executive

1. Summary

- 1.1 On the 29 June 2017 it was resolved by Council to designate Mr Glen O'Connell as the Council's Monitoring Officer for a further period of six months, following his initial appointment made for 6 months on 8 December 2016. It was also resolved that the Chief Executive present a further report by December 2017 on the ongoing and future designation of the Monitoring Officer role (Minute No. 19, 2017/18).

2 Recommendations

It is RECOMMENDED that

- a) Mr Glen O'Connell is appointed and designated as the Council's Monitoring Officer for a further period of six months;
- b) That Mr Crowle be appointed the Council's Monitoring Officer with effect from 1 June 2018 or sooner if appropriate, subject to written confirmation to all Political Leaders that Mr O'Connell is satisfied that Mr Crowle meets the standards required to fulfil the role of Monitoring Officer.

3 Background

- 3.1 As previously reported following an ongoing process within Broxtowe it is not possible to re-commence the joint arrangement, therefore a review had been commenced and undertaken by the Deputy Chief Executive to establish how the duties and designation of the Monitoring Officer could be reincorporated within the Council's establishment.
- 3.2 To achieve this the review incorporated how the legal team could be enhanced to support the growing demands for commercial and property legal advice, supporting the growth agenda whilst also boosting our capability to generate income from external agencies and partners.
- 3.3 The review concluded that we should create an additional legal post within existing budgets. Following a recruitment process a decision was made to appoint Mr Julian Crowle who has extensive private sector, property and commercial experience. He has also built up his experience by working for Leicestershire County Council. However currently he has not gained experience as a Monitoring Officer and this area needs to be developed and incorporated in to Mr Crowle's portfolio of expertise.

- 3.4 This report therefore recommends a low risk approach and pathway which will result in the reintegration of the Monitoring Officer duties within the Council's establishment.
- 3.5 Since his appointment Mr Glen O'Connell has been proactive in supporting the Council in the following areas of work:
- 1) Review of the constitution
 - 2) Initiating procedures for public speaking
 - 3) Reviewing outstanding standards issues
 - 4) Facilitating and raising awareness and understanding how complaints can be avoided
 - 5) Generating a training programme for both Parish and Borough Councillors.
- 3.6 Much of this work is nearing completion and the revised constitution and introduction of public speaking is on track to be presented to full council in March 2018. However, the other issues identified above require some further work and continuity. Therefore, it is recommended that Mr O'Connell be appointed as the Council's monitoring officer whilst phasing his handover to Mr Crowle. This approach will enable Mr O'Connell to coach, mentor and support Mr Crowle prior to him incorporating the full role of the Monitoring Officer within his role by June 2018. This approach will ensure that the work Mr O'Connell has commenced will either be completed or progressed to facilitate a smooth handover with minimum risk and disruption.

4 Monitoring Officer Designation

- 4.1 The current arrangement with Mr Glen O'Connell is that he makes himself available at the premises of Rushcliffe Borough Council for two days a week plus additional time if required.
- 4.2 Following discussions with Mr O'Connell he has confirmed his willingness to continue to provide the services of Monitoring Officer, whilst coaching, mentoring and advising Mr Crowle on the same basis of two days per week until June 2018. This will continue to provide the continuity required whilst ensuring Mr Crowle has built the experience and confidence to undertake the role of Monitoring Officer. It is therefore intended that Mr O'Connell will in the interim period utilise Mr Crowle as the Deputy Monitoring Officer.

5. Implications

4.1 Finance

The financial implications have been built into the Council's provisional budget for 2018/19 (subject to Full Council approval). Expenditure in relation to 2017/18 is covered by existing budgets.

4.2 Legal

4.2.1 There is a statutory requirement under Section 5 of the Local Government and Housing Act 1989 for the Council to appoint a Monitoring Officer. The role of this officer is to conduct certain functions contained within this part of the Act and other relevant legislation. In

essence, the Monitoring Officer oversees legality and governance issues, particularly in the conduct of business, and has a duty to report to the Council if they think any proposal, decision or omission would give rise to unlawfulness or maladministration. Under section 5 of the 1989 Act, it is also the Monitoring Officer's responsibility to nominate any required deputies.

4.2.2 The Monitoring Officer will also promote and maintain high standards of probity and will advise Members on compliance with the Council's Code of Conduct. In addition, the Monitoring Officer will ensure decisions, reports and other papers are publicly available and Registers of Interest are maintained.

For more information contact:	Allen Graham Chief Executive 0115 914 8349 agraham@rushcliffe.gov.uk
Background papers Available for Inspection:	Arrangements for the Monitoring Officer, Full Council, 20 June 2017
List of appendices (if any):	None