

Meeting COUNTY COUNCIL

Date Thursday, 27 January 2011 (10.30 am – 6.41 pm)

**Membership**

Persons absent are marked with `A`

**COUNCILLORS**

Thomas A J Pettengell (Chairman)

Keith Walker (Vice Chairman)

	Reg Adair	Keith Longdon
	John Allin	Rachel Madden
A	Fiona Asbury	Geoff Merry
	Chris Barnfather	Mick Murphy
A	Victor Bobo	Philip Owen
	Joyce Bosnjak	Carol Pepper
	Richard Butler	Sheila Place
	Steve Carr	Darrell Pulk
	Steve Carroll	Mike Quigley MBE
	Allen Clarke	Mrs Wendy Quigley
	Ged Clarke	Alan Rhodes
	John Clarke	Ken Rigby
	L B Cooper	Kevin Rostance
	John Cottee	Mrs Sue Saddington
A	Michael J Cox	Mel Shepherd MBE
	Jim Creamer	S Smedley MBE JP
A	Bob Cross	Mark Spencer MP
	Mrs Kay Cutts	June Stendall
	V H Dobson	Andy Stewart
	Sybil Fielding	Martin Suthers OBE
	Stephen Garner	Lynn Sykes
	Michelle Gent	David Taylor
	Glynn Gilfoyle	Parry Tsimbiridis
	Keith Girling	Gail Turner
	Kevin Greaves	Stuart Wallace
	John M Hemsall	Les Ward
	Stan Heptinstall MBE	Gordon Wheeler
	Rev. Tom Irvine	Chris Winterton
	Richard Jackson	Brian Wombwell
	Rod Kempster	Martin Wright
	Eric Kerry	Liz Yates
	John Knight	Jason Zadrozny
	Bruce Laughton	

**OTHERS IN ATTENDANCE**

Hon. Alderman Martin Brandon-Bravo OBE

**OFFICERS IN ATTENDANCE**

Mick Burrows	(Chief Executive)
Jayne Francis-Ward	(Assistant Chief Executive & Monitoring Officer)
Chris Holmes	(Policy, Planning and Corporate Services)
Sara Allmond	(Policy, Planning and Corporate Services)
Carl Bilbey	(Policy, Planning and Corporate Services)
Claire Dixon	(Policy, Planning and Corporate Services)
Martin Done	(Policy, Planning and Corporate Services)
Tim Gregory	(Policy, Planning and Corporate Services)
Lyndsey Parnell	(Policy, Planning and Corporate Services)
Daniel Roberts	(Policy, Planning and Corporate Services)
Alan Sumbly	(Policy, Planning and Corporate Services)
Linda Bayliss	(Adult Social Care, Health and Public Protection)
Anthony May	(Children, Families & Cultural Services)

**OPENING PRAYER**

Upon the Council convening, prayers were led by the Chairman's Chaplain.

Members stood in silence in memory of Sir Dennis Pettitt, former Leader of the County Council.

**AGENDA ORDER**

The Chairman changed the order of the agenda to take the question to the Chair of the Police Authority after the break for lunch and during questions to Cabinet Members.

**1. MINUTES**

**RESOLVED: 2011/001**

That the Minutes of the last meeting of the County Council held on 9 December 2010 be agreed as a correct record, and signed by the Chairman.

## **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Fiona Asbury, Michael J Cox and Bob Cross

## **3. DECLARATIONS OF INTEREST**

There were no declarations of interest

## **4. CHAIRMAN'S BUSINESS**

### **(a) Sir Dennis Pettitt**

The Chairman and Councillors Mrs Kay Cutts, Alan Rhodes, Ken Rigby, June Stendall, Sheila Place, S Smedley and Chris Winterton spoke in tribute to the late Sir Dennis Pettitt.

The Chairman read out a letter from Mr Robert Pettitt, son of Sir Dennis thanking the Council for their condolences.

### **(b) Constituency Issues**

Councillor Gail Turner spoke on proposals affecting the No. 1 bus service through Selston. This is set out in full in Appendix A to the minutes.

## **5. PETITIONS**

### **(a) PRESENTATION OF PETITIONS**

The following petitions were presented to the Chairman as indicated below:-

1. Councillor Mel Shepherd - Petition against levy charges for parking permits on the residents of the Haywood Road Area.
2. Councillor Gail Turner - Petition against the reduction in opening hours of the libraries in Selston and Jacksdale.
3. Councillor June Stendall - Petition requesting traffic calming measures on the junction of the A617 with the Radmanthwaite Estate/MARR Route.
4. Councillor Chris Barnfather - Petition requesting the inclusion of Park Road, Bestwood Village, Nottingham in the Winter Gritting Route.

5. Councillor Michelle Gent on behalf of Councillor Fiona Asbury - Petition against the reduction in opening hours of Huthwaite Carnegie Library.
6. Councillor Alan Rhodes - Petition against the proposals to change the way Luncheon Clubs are funded.
7. Councillor Sybil Fielding - Petition regarding change in funding for the Shireoaks Luncheon Clubs

**RESOLVED: 2011/002**

That the petitions be referred to the appropriate Cabinet Members for consideration in accordance with Standing Orders.

**(b) REPORT BACK ON PETITIONS**

**RESOLVED: 2011/003**

That the contents and proposed actions in the report back on petitions received on 9 December 2010 be noted and the petitioners be informed accordingly.

**6. QUESTIONS**

**(a) QUESTIONS UNDER STANDING ORDER 7.1**

Twelve questions had been received as follows:-

1. from Councillor Alan Rhodes about complaints relating to gritting and road management (Councillor Richard Jackson replied)
2. from Councillor Gail Turner concerning Selston Day Centre (Councillor Kevin Rostance replied)
3. from Councillor S Smedley regarding Local Improvement Scheme funding (Councillor Richard Butler replied)
4. from Councillor June Stendall about Mansfield Bus Station (Councillor Richard Jackson replied)
5. from Councillor Chris Winterton concerning budget reductions in Adult & Social Care (Councillor Kevin Rostance replied)

6. from Councillor S Smedley regarding weather damage to roads and pavements (Councillor Richard Jackson replied)
7. from Councillor Gail Turner about Supporting People grant (Councillor Kevin Rostance replied)
8. from Councillor Chris Winterton concerning Education Maintenance Allowance for Nottinghamshire children (Councillor Philip Owen replied)
9. from Councillor Bruce Laughton regarding Burton Road bus plugs (Councillor Richard Jackson replied)
10. from Councillor John Knight about funding for intercom/emergency button system for elderly people (Councillor Kevin Rostance replied)
11. from Councillor Parry Tsimbirdis concerning flu in Nottinghamshire (Councillor Mick Murphy replied)
12. from Councillor Chris Winterton regarding salt/grit (Councillor Richard Jackson replied)

The full responses to these questions under Standing Order 7.1 are set out in Appendix B to these Minutes.

Following question 8, Council adjourned from 12.35 pm until 1.40 pm for lunch. The question to the Chair of the Police Authority was taken at 1.40pm before question 9 of questions under Standing Order 7.1.

#### **(b) QUESTIONS UNDER STANDING ORDER 7.2**

Four questions had been received as follows:-

1. from Councillor Chris Winterton about the Radcliffe-on-Soar operation (Councillor Jon Collins, Chair of the Police Authority replied)
2. from Councillor John Cottee concerning the Regional Control Centre (Councillor Darrell Pulk, Chair of the Fire Authority replied)
3. from Councillor Steve Carroll regarding funding cuts to the Nottinghamshire Fire & Rescue Service (Councillor Darrell Pulk, Chair of the Fire Authority replied)

4. from Councillor Gordon Wheeler about whether senior fire service officers must live within the County (Councillor Darrell Pulk, Chair of the Fire Authority replied)

The full response to this question under Standing Order 7.2 is set out in Appendix C to these Minutes.

## **7. REPORTS FROM MEMBERS**

### **(a) CABINET MEMBERS**

The Leader presented the reports. The reports were seconded by the Deputy Leader.

#### **RESOLVED 2011/004**

That the portfolio reports be noted.

### **(b) CHAIR OF OVERVIEW COMMITTEE**

Councillor Joyce Bosnjak presented the report. The report was seconded by Councillor Ged Clarke.

#### **RESOLVED 2011/005**

That the report be noted.

## **8. THE USE OF RESTRICTIVE PHYSICAL INTERVENTIONS IN SCHOOLS**

Councillor Philip Owen introduced the report and moved a motion in terms of the resolution 2011/006 below.

The motion was seconded by Councillor Allen Clarke

#### **RESOLVED: 2011/006**

That the policy on The Use of Physical Interventions in Schools be approved.

## **9. NEW LIBRARY DONATIONS POLICY**

Councillor John Cottee introduced the report and moved a motion in terms of the resolution 2011/007 below.

The motion was seconded by Councillor David Taylor.

Following a debate the motion was put to the meeting and after a show of hands the Chairman indicated that it was carried.

The requisite number of Members requested a recorded vote and it was ascertained that the following 44 Members voted '**For**' the motion.

### **'FOR'**

Reg Adair	Thomas A J Pettengell
Chris Barnfather	Mike Quigley MBE
Richard Butler	Mrs Wendy Quigley
Allen Clarke	Ken Rigby
Ged Clarke	Kevin Rostance
L B Cooper	Sue Saddington
John Cottee	Mel Shepherd MBE
Mrs Kay Cutts	Mark Spencer MP
V H Dobson	June Stendall
Stephen Garner	Andy Stewart
Keith Girling	Martin Suthers OBE
John Hemsall	Lynn Sykes
Richard Jackson	David Taylor
Rod Kempster	Gail Turner
Eric Kerry	Keith Walker
Bruce Laughton	Stuart Wallace
Keith Longdon	Les Ward
Rachel Madden	Gordon Wheeler
Geoff Merry	Brian Wombwell
Mick Murphy	Martin Wright
Philip Owen	Liz Yates
Carol Pepper	Jason Zadrozny

The following 14 Members voted '**Against**' the motion.

### **'AGAINST'**

John Allin	Sybil Fielding
Joyce Bosnjak	Kevin Greaves
Steve Carroll	John Knight
John Clarke	Sheila Place
Jim Creamer	Darrell Pulk

Alan Rhodes  
S Smedley MBE JP

Parry Tsimbiridis  
Chris Winterton

There were no Members who 'abstained' from the vote.

The Chairman declared that the motion was carried and it was:-

**RESOLVED: 2011/007**

That the new library donations policy and practice be approved

**10. NOTTINGHAM EXPRESS TRANSIT**

Councillor Richard Jackson introduced the report and moved a motion in terms of the resolution 2011/008 below.

The motion was seconded by Councillor Mrs Kay Cutts.

Following a debate the motion was put to the meeting and after a show of hands the Chairman indicated that it was carried.

The requisite number of Members requested a recorded vote and it was ascertained that the following 39 Members voted '**For**' the motion.

**'FOR'**

Reg Adair  
Chris Barnfather  
Richard Butler  
Allen Clarke  
Ged Clarke  
L B Cooper  
John Cottee  
Mrs Kay Cutts  
V H Dobson  
Stephen Garner  
Keith Girling  
John Hemsall  
Richard Jackson  
Rod Kempster  
Eric Kerry  
Bruce Laughton  
Geoff Merry

Mick Murphy  
Philip Owen  
Carol Pepper  
Thomas A J Pettengell  
Mike Quigley MBE  
Mrs Wendy Quigley  
Kevin Rostance  
Sue Saddington  
Mel Shepherd MBE  
Mark Spencer MP  
June Stendall  
Andy Stewart  
Martin Suthers OBE  
Lynn Sykes  
David Taylor  
Gail Turner  
Keith Walker



Stuart Wallace  
Les Ward  
Gordon Wheeler

Martin Wright  
Liz Yates

The following 15 Members voted '**Against**' the motion.

**'AGAINST'**

John Allin  
Joyce Bosnjak  
Steve Carroll  
John Clarke  
Jim Creamer  
Sybil Fielding  
Kevin Greaves  
John Knight

Sheila Place  
Darrell Pulk  
Alan Rhodes  
Ken Rigby  
S Smedley MBE JP  
Parry Tsimbiridis  
Brian Wombwell

The following 2 Members '**abstained**' the motion.

**'ABSTAINED'**

Keith Longdon

Rachel Madden

The Chairman declared that the motion was carried and it was:-

**RESOLVED: 2011/008**

1. That the principal terms of the Settlement outlined in the report be approved; and
2. That the Corporate Director for Resources and the Environment in consultation with the Assistant Chief Executive and the Cabinet member for Transport and Highways be authorised to:
  - a. finalise the negotiations and approve the detailed terms of the Settlement Deed and any ancillary documents which are required to be entered into to perfect the requirements of the Settlement Deed in line with the principles set out in this Report; and
  - b. subject to receiving Secretary of State Consent (where needed) to enter into the final form of the Settlement Deed and any ancillary documents which are required to be entered into to perfect the requirements of the Settlement Deed on behalf of the County Council.

## **11. DEVELOPMENT OF THIRD LOCAL TRANSPORT PLAN FOR NOTTINGHAMSHIRE**

Councillor Richard Jackson introduced the report and moved a motion in terms of the resolution 2011/009 below.

The motion was seconded by Councillor Liz Yates.

### **RESOLVED: 2011/009**

1. that the details of Government's local transport settlement for Nottinghamshire be noted, and
2. that the draft third Local Transport Plan strategy for Nottinghamshire be approved
3. that the recommendations for the abandonment of the safeguarding of 21 transport schemes as outlined in Appendix 2 of the report be approved.

## **12. GATING ORDERS POLICY**

Councillor Mick Murphy introduced the report and moved a motion in terms of the resolution 2011/010 below.

The motion was seconded by Councillor Bruce Laughton.

Following a debate an amendment to the motion was moved by Councillor Joyce Bosnjak and seconded by Councillor Parry Tsimbiridis as follows:-

"That the following words be appended to paragraph 7 in Appendix A:

In most cases the use of private individuals' money to finance Gating Orders is not seen as appropriate if equal access to community safety is to be maintained."

Following a debate an alteration to the Policy was proposed as follows:-

"That the following words be appended to paragraph 7 in Appendix A:

The applicant would be at liberty to approach the County Council to ask for financial assistance towards an Order."

The proposed alteration to the Policy was accepted by the mover of the amendment and the mover and seconder of the original motion and the amendment was withdrawn.

The original motion with the proposed alteration to the Policy as shown above was put to the meeting and after a show of hands the Chairman indicated that it was carried.

**RESOLVED: 2011/010**

1. That the County Council Policy on Gating Orders, as attached as Appendix A of the report, be approved with the following alteration to the Policy:-

That the following words be appended to paragraph 7 in Appendix A:

The applicant would be at liberty to approach the County Council to ask for financial assistance towards an Order.

2. That a report be taken to the next available Rights Of Way Committee to notify them of the approved Policy.

The Chairman declared the meeting closed at 6.41 pm

**CHAIRMAN**

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## **APPENDIX A**

### **COUNTY COUNCIL MEETING HELD ON 27 JANUARY 2011**

#### **3-MINUTE SPEECHES**

##### **Councillor Gail Turner**

“Selston Division is a rural area. It has very few amenities. We have no taxis, we have no tram, we have no trains, so therefore it is imperative that there is a good public bus service for the members of the community to access vital amenities. After a long campaign, District Councillor Wilson and myself were successful in obtaining a grant from Europe to improve the bus service. Since receiving that grant the County Council began an exercise looking to save money from subsidised budgets and unfortunately this exercise could leave the people of Selston Division no better off than before the grant was received.

To cut the Number 1 bus service in the evenings and on Sundays would be a disaster for everyone who relies on this route. It would make finding employment or keeping employment for my constituents on the Giltbrook Trading Estate untenable. It would make getting vital drugs prescribed by doctors more difficult along with getting to the dentists and other vital services.

I ask that the Number 1 bus route is left untouched but if this is absolutely impossible then I ask that reductions are considered instead of the blanket withdrawal.”

## APPENDIX B

### COUNTY COUNCIL MEETING HELD ON 27 JANUARY 2011

#### QUESTIONS UNDER STANDING ORDER 7.1

##### **Question to the Cabinet Member for Transport & Highways from Councillor Alan Rhodes**

“Will the Cabinet Member for Transport and Highways inform the Council how many complaints were received by him, his officers, the County Council’s Customer Contact Centre and through the Council’s official complaints procedures, in relation to gritting and road management during the recent adverse weather conditions?”

Will the Cabinet Member please give a breakdown of the complaints on a district basis, and will he inform the council of how the number of complaints compares with the winter of 2009/10?”

##### **Response by Councillor Richard Jackson Cabinet member for Transport & Highways:**

”Members will know that there are a significant number of ways in which information, enquiries, reports and complaints reach the County Council. In terms of bad weather these also relate to which areas of the County have had more severe weather and snow to deal with.

Contacts to the Highways department are all recorded on the Highways Asset Management Database, as are calls which are received by the Customer Services Centre.

The recorded figures by District for total contacts about winter maintenance firstly last winter and then this winter to date are:

	Last Winter	This Winter
Ashfield	154	323
Bassetlaw	774	1723
Broxtowe	92	315
Gedling	1401	900
Mansfield	536	1214
Newark	653	767
Rushcliffe	552	528
<b>Totals</b>	<b>4162</b>	<b>5770</b>

I would stress that those are not complaints necessarily; some are complaints, some are compliments, some are requests for extra gritting, some are enquiries as to which roads are gritted and which road aren’t – these are the totality of the

contacts we've had. The specific answer to Councillor Rhodes' question is that last winter, there were 70 formal complaints, this winter so far there have been 27. These are not split down by District but I can get that information if Members require it.

These figures indicate the very heavy workload encountered by the County and Manage and Operate Partner staff in dealing with such a high number of contacts, in addition to providing the day to day organisation and liaison involved in providing winter maintenance services over the last few months and should be considered in context of the worst period of winter weather for 30 years."

**Question to the Cabinet Member for Adult Social Care & Health from Councillor Gail Turner**

"Selston Day Centre is much loved and much needed by the older members of my community. Rumours are rife that this day centre is ear-marked for closure. If this day centre were to be closed many of the older members of my community would become excluded and isolated and not leave their homes for weeks.

A test of society is how we care for our elderly people so I would ask the Portfolio Holder for Adult Social Care what his intentions are with regard to this much needed and much loved day centre in Selston?"

**Response by Councillor Kevin Rostance, Cabinet Member for Adult Social Care and Health:**

"I hopefully addressed this question yesterday personally with Councillor Turner. The County Council currently spends £22m providing day services to over 3,300 people. As part of our service review programme we have consulted on a proposal to reduce the overall expenditure on day service provision. The consultation process which ended on 21<sup>st</sup> January included 44 meetings with people who use services and their carers, at which we heard the views of over 1,000 people. In addition we have consulted widely with staff and partner organisations.

We will be considering the outcome of the consultation together with an analysis of the service requirements over the coming days and weeks. No firm decisions have yet been made about which of the current day service buildings will be retained and which will be released.

The council needs to make savings in the costs of day services alongside other areas of the council's services. We intend to reorganise the Council-run day services to ensure we get the best value for money. We do expect to be able to reduce the number of buildings used, as part our strategy. Any decision about buildings to be retained or released will be taken after considering:

- the needs of service users and the future demand for services
- how well each building meets the requirements of the service
- the savings to be made from building closures
- costs to keep the building for the future
- the location of appropriate facilities within the county
- the impact on future staffing and transport costs.

I would like to assure Councillor Turner that despite the need to make a saving, we still need to meet our legal duty to support vulnerable people who are eligible for social care services. We are committed to continuing to offer day services to people who need them, but the services provided must be good quality and affordable.”

**Question to the Cabinet Member for Environment & Sustainability from Councillor S Smedley MBE JP**

“The Cabinet Member will be aware that he approved LIS funding of £150,000 to be used in his ward to pay for a private road, Church Lane, to be brought up to an adoptable standard, despite there having been no frontage petitions received. The cost has risen substantially since.

Given that the road was duly adopted before the works had actually been carried out, does he have the pleasure of informing County residents that a new precedent has been set, and will he make LIS funding available to all areas outside of his ward for similar schemes to go ahead?”

**Response by Councillor Richard Butler, Cabinet Member for Environment & Sustainability:**

“The Church Lane scheme has been included in the programme for 2010/11 as it is considered to bring local benefits including improving links to the Church Farm nursing home and the public right of way. Also, the area has been aesthetically in need of improvement for many years.

The decision to include the project in the programme was not to facilitate the adopted status of the road. However, given that it was being improved up to an adoptable standard, the decision was taken to adopt it and it is not considered that any precedent has been set.

This project has the support of Cotgrave Town Council, the majority of local residents (long standing and newer ones) and visitors to the area including the church, the nursing home and the other pleasant areas of this part of Cotgrave who will all benefit from this improvement.”

**Question to the Cabinet Member for Transport & Highways from Councillor June Stendall**

“Could the Portfolio Holder for Transport and Highways confirm to this Council the financial contributions from all stakeholders with regards to the new Mansfield Bus Station?”

**Response by Councillor Richard Jackson Cabinet member for Transport & Highways:**

“In line with Government requirements Nottinghamshire County Council has submitted a best and final funding bid for Department for Transport (DfT) for consideration. The DfT has committed to reaching a decision regarding funding by the end of January, we presume it is this January, so we can reasonably expect a decision this week.

The current funding profile is: -

DfT (requested)	-	£7,168,000
Mansfield District Council	-	£654,000
Nottinghamshire County Council	-	£976,000

This does not take account of sunk costs into design and development. The above relates to contributions effectively from here on in. It should be noted that Mansfield District Council contributed the land. This is not in the above figures although the land contributed by MDC was valued at £1.1m.

I would also like to say I’m very grateful to Councillor Spencer who has spoken to the Prime Minister and others to try and progress the Mansfield Bus Station project. It doesn’t just benefit Mansfield; it obviously benefits communities with services in and out of Mansfield, a lot of constituencies and Districts in Nottinghamshire. I’m sure I can ask Councillor Spencer to further lobby on our behalf if we don’t get an answer this week.”

**Question to the Cabinet Member for Adult Social Care & Health from Councillor Chris Winterton**

“Will the Cabinet member confirm that as a result of changes that are being made to the Adult & Social Care budgets, the department will still have to find £70m in budget reductions over the next three years?”

How much of those savings will be made this year and how much of this will be from the Supporting People programme?”



**Response from Councillor Kevin Rostance, Cabinet Member for Adult Social Care and Health:**

“The actual budget savings proposals are over four years – the proposed savings at present are £64,868,000.

Proposals are now currently being reviewed following the closure of the public consultation on 21<sup>st</sup> January 2011. Public announcements are being made as decisions are made.

I don't know if people are aware but we've actually extended the consultation period on Supporting People. I think we've had the most open and transparent consultation of any council in the country and what may seem quite novel to some people is we've actually listened to the consultation. We've taken on board the concerns and the comments of people and we have actually extended the consultation period for a further eight weeks on Supporting People.

The savings proposals made in December are now being revised and will be in the Cabinet report on the 9<sup>th</sup> February. We are now proposing savings of just over £62m, of which over £23.5m will be delivered within this financial year.

I would also like to take the opportunity to emphasise that a lot of this money is to be recycled to meet the needs of the most vulnerable in Nottinghamshire. Over the next four years we will be reinvesting over £44m on meeting the needs of the additional adults with disabilities and older people in our County.”

**Question to the Cabinet Member for Transport & Highways from Councillor S Smedley MBE JP**

“Can the Cabinet Member for Transport & Highways please tell me what plans have been put into place to deal with the damage caused to the roads and pavements by the recent appalling weather conditions?

My constituents have been complaining to me that new potholes and surface cracks have appeared on the roads and pavements, and also that there are sub-surface mounds causing rising paving slabs. Both of these obviously create extremely dangerous hazards to drivers and pedestrians, and I would welcome the detail on his plans for immediate remedial works to make those areas affected safe.

Can he also inform the Council what the predicted cost of repairs to the roads and pavements will be, and how does this compare to last year?

Can he also inform the Council of the contingency set aside by his department to deal with this demand?”

**Response by Councillor Richard Jackson Cabinet member for Transport & Highways:**

“I can’t resist starting off by mentioning the massive backlog which I inherited from her watch in this role and also reminding Councillors that we’ve put enormous sums of money in, this year and last year, to start to tackle that backlog as we said we would do in our manifesto.

Roads across the Country have suffered greatly from the weather over this winter, adding to the cumulative effect of the previous two winters and their extended periods of snow and ice.

As soon as possible, once the weather had cleared, maximum efforts have been made to address the potholes, cracking and defects caused by water, snow and ice with six roadworks gangs per area being deployed as an absolute minimum on repairs and budget allocations being vired to generate funding to do as much as we can.

Cracks and holes will unfortunately continue to appear through the winter and have to be dealt with, as no road network can sustain weather of this type and duration without suffering problems.

Highways staff in both directly maintained and Manage and Operate areas inspect the network regularly on a priority basis, record reported problems on an Asset Management System and also carry out a series of larger programmed repair schemes to do all we can to keep our roads in a safe condition.

The length of the road network in the County is nearly 4200km, and it is not possible with constantly changing conditions to provide figures as to the predicted costs of repairs whilst in fact damage is still occurring and there are already highway maintenance allocations provided.

There has been no separate contingency set aside to deal with the damage which has occurred as a result of winter weather. As I have already mentioned, there is an ongoing regime of inspection and reacting to the defects which have arisen, and should the need arise to provide extra funding then this will be given the fullest consideration in response.”

**Question to the Cabinet Member for Adult Social Care & Health from Councillor Gail Turner**

“The Supporting People grant is vital to help support services for vulnerable people. If Nottinghamshire County Council reduces this grant by the suspected £10m this will be devastating for the most vulnerable of this county. Some of those affected will be people with mental health problems, learning difficulties and older people. The affects of the withdrawal of this money will not be limited to adults but I would like to ask the Portfolio Holder for Adult Social Care what

measures will be putting in place to protect all the adults who will be affected as more people will find themselves homeless, considerably less victims of domestic violence will be assisted and people with mental issues will have nowhere to go.”

**Response by Councillor Kevin Rostance, Cabinet Member for Adult Social Care and Health**

“I obviously addressed these points with you yesterday, Councillor Turner.

As I announced earlier, we are going out to consultation again on Supporting People on the 1<sup>st</sup> February for two months. I share the concerns that Councillor Turner has brought up and share the concerns of the consultation – that is why we have extended the consultation period, that is why we are working closely with our partners – all the organisations; we have got to do things differently.

We’re in a position financially that we’ve never been in before and I’m quite confident that the people I’ve spoken to – every service user and service provider that I have spoken to, are aware of the circumstances that we’re in and are aware that we’ve got to do things differently. They all want to work with us and hopefully they will continue to do so.

So nothing will be carried out in a hurried manner. The concerns that you have I’m happy to address, Councillor Turner. In this Chamber, some people like the sound of their own voice and like to speak for a long time. I find it a lot better when people who have serious concerns about the people out there actually come to speak to me with those concerns rather than to scaremonger and stand up in this Chamber just to hear the sound of their own voice.

So my door, as I’ve said before, is always open. If people have concerns please do come and see me, like Councillor Turner who spoke to me on a Sunday morning (saved her going to church – I do apologise!). So thank you, Councillor Turner for your question.”

**Question to the Cabinet Member for Children & Young People’s Services from Councillor Chris Winterton**

“Can the Cabinet member please tell us how many children are in receipt of the EMA in Nottinghamshire? Can he also tell us how many of these will continue receive financial learning support once the EMA in Nottinghamshire is removed?”

**Response by Councillor Philip Owen, Cabinet Member for Children & Young People's Services:**

"I should make it clear from the outset that Education Maintenance Allowance (EMA) is not the direct responsibility of Nottinghamshire County Council.

EMA is distributed by the Young People's Learning Agency. They confirm that in December 2010 there were 8,378 Nottinghamshire residents in receipt of the allowance.

The Department for Education have indicated that EMA will be replaced by a much more targeted award more closely linked to need but have yet to announce details."

**Question to the Cabinet Member for Transport and Highways from Councillor Bruce Laughton**

"Now that the Burton Road bus plugs are open, could the Cabinet Member for Transport & Highways inform me whether any initial problems have emerged along the lines suggested by those who opposed this move?"

**Response by Councillor Richard Jackson, Cabinet Member for Transport & Highways:**

"The Burton Road bus plug was opened to all traffic, excluding vehicles over 7.5 tonnes, in both directions at all times on Monday 10th January 2011. It is early days, but indications are that the opening of the bus plug will not cause major problems on Burton Road and the operation of the opening of the bus plug is looking promising.

Observations on site by officers are reporting no major problems on Burton Road or at the Shearing Hill junction. On occasion the queue length down Shearing Hill into the Burton Road junction is more than 15 vehicles, but to date the intelligent signal system at the junction, which apportions signal time to cope with this, is working.

On occasion the queue along Burton Road into the Shearing Hill junction extends almost to Stoke Lane which equates to a 2 minute 30 second delay. I can tell Councillor Laughton that I drove through the site this morning at 8am in the peak time and I was in a queue of precisely one vehicle at the Burton Road – Shearing Hill junction. The actual bus plug seems to be operating satisfactorily. To date we have had no reports of any road traffic accidents.

We will carry out a comprehensive traffic survey during this trial period, probably in May or June, to enable a direct 'before and after' comparison to be made.

**Question to the Cabinet Member for Adult Social Care & Health from Councillor John Knight**

“Can the Cabinet member please explain to me that if his department is intending on withdrawing the funding that supports the intercom/emergency button system for elderly people, what is intended to take its place in order to safeguard their wellbeing?”

**Response by Councillor Kevin Rostance, Cabinet Member for Adult Social Care and Health**

“This again comes under the umbrella of Supporting People; this again comes under the extended consultation period. I’m meeting with representatives from Ashfield District Council and the other District Councils on 10<sup>th</sup> February to discuss such matters as part of the consultation.

Anything that we do will be phased and what we’re looking to do now, rather than take a blanket approach on alarms, is take a targeted approach and actually make sure that the alarms that we pay for are actually for people who need an alarm. That is part of the consultation and that is part of the discussions we’ll be having with the Districts. Anything that would happen, Councillor Knight, would happen over a phase and wouldn’t affect your residents or anyone else for at least two years so we’re in consultation to see if we can do things differently, take a targeted approach and put the alarms where people need the alarms.”

**Question to the Cabinet Member for Community Safety from Councillor Parry Tsimbiridis**

“Can the Cabinet member tell me how many children and people from vulnerable groups have died from flu in Nottinghamshire during the last few months?

Is he able to tell me whether they have all had flu vaccine made available to them?”

**Response by Councillor Mick Murphy, Cabinet Member for Community Safety**

“I don’t know whether Councillor Tsimbiridis has got me mixed up with the Coroner or the Chief Medical Officer but we have found him a sort of reply.

Unfortunately, this is not something on which the County Council has responsibility for collating the information. However, we have been in touch with the PCTs, the Strategic Health Authority and the Health Protection Agency and I can respond as follows. Official figures are not currently available for how many children and people from vulnerable groups have died from flu in Nottinghamshire in the last few months. The seasonal flu vaccine is offered free of charge to those in at-risk groups to prevent them from catching flu. Most

stocks of the seasonal flu vaccine for this winter have now been used; however GPs are continuing to vaccinate at-risk patients with the swine flu vaccine.

**Question to the Cabinet Member for Transport & Highways from Councillor Chris Winterton**

“Can the Portfolio holder tell the Council how much salt/grit was purchased in 2009/10 and how much in 2010/11?

Given the fact that his budget allocated an extra £50,000 for winter maintenance, will he inform the Council how much extra salt was purchased out of that figure?

Can he also tell the Council the cost of salt/grit in the summer compared to the price paid for Peruvian salt, given the fact that the budget was overspent in 2009/10; how much of this was for winter maintenance?”

**Response by Councillor Richard Jackson, Cabinet Member for Transport & Highways:**

“In answer to the first part of the question, in the financial year 2009/10 the County Council purchased 13,840 tonnes of salt.

In 2010/11, obviously to date, the County Council has purchased 24, 202 tonnes. We purchased this from three sources which are via our normal contracted supplier Cleveland Potash (15,046 tonnes), imported salt from Peru (4,528 tonnes), and salt sourced from the UK national strategic stockpile (4,628 tonnes).

The County Council's salt stores were full to capacity at the beginning of the winter. We have invested considerably to increase that capacity in the last 12 months to 14,600 tonnes, which is around five times the Government's recommended stock level and is more than enough for an average winter.

Members will also be aware that our proposed budget for 2011/12 has a further substantial capital investment of £180,000 for an additional salt barn (which will further add to our capacity to store salt) and an additional £500,000 revenue for winter maintenance, so I look forward to Councillor Winterton's support for our budget next month.

As the winter season is not yet complete we will continue to receive stocks from Cleveland Potash until the end of March, the quantities will depend on the weather.

The quantities of salt purchased differ according to usage and in 2009/10 the usage was 14,464 tonnes whilst to date in 2010/11 the usage has been 18,823 tonnes. We should note that February, being one of the worst months, is still to come.

The additional budget allocation of £50,000 was made to supplement the winter maintenance budget in general in recognition of the severe weather experienced in the previous two years and a significant increase in the cost of salt supplied under the Council's contract.

The cost of salt from the normal supplier in the summer in 2010/11 was £23.60 per tonne, the salt imported from Peru was £70 per tonne and the salt from the Department for Transport national strategic stockpile was £75 per tonne.

In 2009/10 the budget for winter maintenance was £2,196,000 and the final out-turn figure, for what was a bad winter last year was £2.768m, which was an overspend of £572,402.

In 2010/11 the budget has been increased to £2,290,000 and the final out-turn is predicted to be in the order of £3.7m, a potential overspend of £1.4m.

The winter maintenance budget can only ever be an indicative budget based on typical salt usage and will inevitably be overspent in bad years and underspent in mild winters.

There has been an additional spend of £150,000 also on sand/salt mix for use in grit bins and footways and this is not included in the above salt delivery figures.

The figures above are indicative of the tremendous response of staff working for the County Council and its Manage and Operate Partners to deal with the coldest temperatures for 100 years and the most severe winter weather for 30 years, and I can confirm that throughout we have provided full funding and other support in doing all we can to assist our residents and road users around the County."

## **APPENDIX C**

### **COUNTY COUNCIL MEETING HELD ON 27 JANUARY 2011**

#### **QUESTIONS UNDER STANDING ORDER 7.2**

##### **Question to the Chairman of Nottinghamshire Police Authority from Councillor Chris Winterton**

"Would the Chair of the Police Authority tell us what the cost of the Ratcliffe-on-Soar operation was to safeguard the power station?"

What questions are being asked of the Metropolitan Police in respect of the undercover officer who took part in a long-term infiltration operation?

What were the prosecution costs and did they keep the Nottinghamshire Police fully informed?

As the officer was, by his own admission, actively taking part in illegal acts for which other activists were subsequently prosecuted, will Nottinghamshire Police be working with the CPS in pursuing a prosecution case against him?"

##### **Response by Councillor Jon Collins, Chair of the Police Authority:**

"On the first point, the total cost of the Ratcliffe-on-Soar operation was £276,580.

On his second point, the undercover officer was actually deployed through the National Public Order Intelligence Unit and not through the Metropolitan Police. However, there are legitimate questions to be asked about the way this officer was managed and as a result, ACPO (the Association of Chief Police Officers) and the Chief Constable have jointly commissioned a review to identify whether, first, the officer's actions were consistent with those authorised for his deployment and, second, whether the record of that deployment is complete and meets the appropriate codes and legislation.

On Councillor Winterton's third point, I understand that the CPS' (Crown Prosecution Service) prosecution costs are estimated by them as £20,000. Whether information was adequately shared between the CPS and the Police will be addressed by a further independent investigation requested from, and to be completed by, the IPCC (Independent Police Complaints Commission).

Finally, I anticipate that the question of the legality of the actions undertaken by the undercover officer should be established by the reviews that have been jointly commissioned by the Force itself, SOCA (Serious Organised Crimes Agency), the IPCC and the HMIC (Her Majesty's Inspectorate of Constabulary). Nottinghamshire Police will work with the CPS and other agencies to act on the findings of those reviews."



**Question to the Chairman of Nottingham and Nottinghamshire Fire Authority from Councillor John Cottee**

"Following the news that the Regional Control Centre at Castle Donington is to be scrapped, what liabilities will fall on you as a company board member in particular and on the taxpayer of Nottinghamshire in general?"

**Response by Councillor Darrell Pulk, Chair of the Fire Authority:**

"Firstly, regarding my personal liabilities as a company director on the Regional Control Centre Board a brief summary of the make up and history of the company, would, Mr Chairman, I believe prove helpful.

Following an initiative from central Government, under the then Office of the Deputy Prime Minister, in a white paper, July 2003 (paragraph 417, and incorporated into the National Frame Work Paragraph 219), six objectives were detailed, including the formation of regional boards and a national infrastructure of nine regional control centres. The Centres were to replace the then forty six existing individual fire controls, many of which were considered time expired. The new controls would form a national infrastructure and address issues of national resilience.

The site, design, construction, maintenance, security etc of the new control centres was determined by Central Government through Central Government contracts.

In the governance arrangements, each and every centre was to be owned by the constituent authorities. This was achieved by the formation of nine autonomous regional control centre companies. In the East Midlands the five authorities; Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, and Nottinghamshire, as joint owners, each appointed two directors to the company. In Nottinghamshire's case myself and Cllr Penny Griggs were appointed.

The company and the directors are subject to Company Law. Corporate and individual liabilities apply in the same way to East Midland Regional Control Centre Directors as to other company directors. We are not afforded the same protects as councillors serving on local authorities.

Following the Government's decision to cancel the project, the company held an emergency board meeting on 10th January 2011, to consider its position. At this meeting the board took legal and financial advice regarding the way forward. The directors took the view that there is no longer a function for the company and on professional advice all directors agreed that the company should be formally wound up. The main area for consideration for directors was the sensitive HR issue regarding the three members of staff currently directly employed; and the transfer of the twenty five year lease back to Department of Communities and Local Government.

You may be interested that as Company Chair, I resigned as a company director followed swiftly by all other existing directors. LFRS appointed their legal secretary and head of finance as new directors to address the winding up process.

In winding up, the company directors have to be satisfied that existing and future liabilities can be addressed and that any residual assets are distributed appropriately. Ultimately a final decision on the future on the company rests with the five fire services, the owners. I would be surprised if there are any dissenters to the proposals to cease trading. Nottinghamshire Fire Authority will make their decision at the Fire Authority meeting on 25 February 2011.

Councillor Cottee, you also ask what liabilities will fall on the taxpayer of Nottinghamshire in general? As you are aware, the fire service national framework required fire services regionally to work together to deliver the local aspects of the project. Central Government provided funding for all additional expenditure through the new burdens grant.

Following the Government announcement to cancel the project, all future new burdens funding has now ceased. As part of the Control Project, fire authorities received additional funding to temporarily enhance the number of control operators employed across the region. This was to ensure the availability of sufficient trained operatives during the migration from local to regional controls. Nottinghamshire Fire & Rescue Service has been funded for eleven additional control room staff increasing our control operators from the establishment figure of 26.5 to 37.5 posts.

As I have said previously, all Government funding has now ceased, the last new burdens payment we received being £8992 in January this year. There will be a direct cost to the Nottinghamshire and Nottingham City Tax Payer if the Authority does not immediately address the anomaly of these 11 additional unfunded posts in our control room. You will be reassured that officers are addressing the issue of redundancies, and consultation with staff members is ongoing. We are hopeful that any redundancy cost will be met from funding currently held within the region.

I am sure that you would agree with me that, whatever your views are on the project, it is regrettable that Nottinghamshire Fire & Rescue Service control staff have been subject to so much uncertainty. I would like to thank the control staff and the Authority for their hard work and professionalism in these difficult times."

**Question to the Chairman of Nottingham and Nottinghamshire Fire Authority from Councillor Steve Carroll**

"Could the Chair of the Fire Authority please inform the Council as to the extent of the cuts in Government funding to the Nottinghamshire Fire & Rescue service?"

Could the Chair also advise me as to what impact this will have on front-line emergency services across the County?"

**Response by Councillor Darrell Pulk, Chair of the Fire Authority:**

"We all know that the current cuts in public spending are the worst we have known in this country for many decades.

As background information, you may be aware that Nottinghamshire Fire Authority is a stand alone Authority setting its own precept. Approximately half of the service budget comes from central Government grant; the other half from Council Tax.

Central government has hit Nottinghamshire Fire & Rescue Service hard, reducing our grant by 9.5% in year one and 12.6% over the first two years of the Comprehensive Spending Review period.

In previous correspondences from the Fire Minister and in reply to direct question raised at meetings, the Fire Minister has confirmed that our cuts are being back-loaded. Whilst some fire authorities enjoy the luxury of grant increases, Nottinghamshire Fire & Rescue Service has received one of the worst settlements in the country. Nottinghamshire Fire & Rescue Service grant is, over the next four years, projected to be reduced by a massive 36%. Clearly we are not all in it together; some of us are more in it than others. Despite raising this funding issue personally on several occasions with Government ministers in recent weeks, Nottinghamshire Fire & Rescue Service has no alternative but to cut local services to save money.

It is fortunate that, with cross party support, Nottinghamshire Fire Authority has invested well in its people, vehicles, buildings and equipment in recent years. The Authority can be proud of our achievements. In recent years, we have refurbished seven stations and totally rebuilt four and replaced our fire engines, fire kit and equipment. We have also introduced new shift patterns and now have the lowest absentee/sick record of any UK fire service. This will undoubtedly help us as the cuts begin to bite.

Councillor Carroll asks what impact this will have on front-line emergency services across the County. I can inform council that preparations for a vital review began 12 months ago. This was designed to look at the frontline emergency service we have in place across the county now, and recommend how they might need to adapt in order to respond to future demand. This is an important piece of work, and the first of its kind in more than 20 years. It took account of the reduced number of emergency calls and the different patterns of activity in the service. This work will help us to assess the impact of cuts in a reasoned and considered way. The Chief Fire Officer has given us his professional advice, which includes some significant changes to the way our service is currently run. His proposals will achieve savings of over £1m, actually

£1.1m, from the frontline requiring additional savings of around £7m to be found from “non-frontline functions”.

It was never the original intention of the review to reduce spending on frontline service delivery. If the reduction in Government grant had not been so excessive, then the £1m savings from the frontline would have been reinvested directly back into the service, however, we now have to use this money to plug the hole in our budget from the cuts in this Government’s funding. If the Fire Service Review was to be implemented according to the recommendations of the Chief Fire Officer then the number of fire engines covering the county would be reduced from 36 to 30; RDS fire stations at Warsop and Edwinstowe replaced with a new full time fire station at Ollerton; Collingham RDS station closed and both West Bridgford and Central stations would be relocated. Central moved nearer to Trent Bridge and West Bridgford towards the Clifton/ Wilford area.

On 25<sup>th</sup> February, all 18 members of the Fire Authority will consider the proposals presented by the Chief Fire Officer. If they are agreed, the Authority will then begin a period of extensive and thorough consultation with local people and stake holders. All comments submitted during a minimum three-month period would be carefully considered before the Authority reached a final decision in June. Unfortunately, and much to my regret, doing nothing is not an option available to the Authority. We are faced with extensive cuts to our budgets which we have to manage in the least damaging way possible.”

**Question to the Chairman of Nottingham and Nottinghamshire Fire Authority from Councillor Gordon Wheeler**

"Would the Chairman of Nottinghamshire Fire Authority explain whether it is a requirement that senior Nottinghamshire fire service officers live within the county boundary and, if so, why?"

**Response by Councillor Darrell Pulk, Chair of the Fire Authority:**

“As a member of the Fire Authority I am sure Councillor Wheeler and yourself Chairman, are aware that the provisions of relocation are contained within Section 4 Part E of the National Joint Council for Local Authority Fire & Rescue Services Scheme of conditions of Service sixth Edition 2004 (Grey Book). I shall endeavour to refresh Councillor Wheeler’s memory whilst at the same time using this opportunity to inform other members of this Council.

These provisions are adopted within the National Joint Council for Brigade Managers of Local Authority Fire & Rescue Services Constitution and scheme of conditions of service fifth edition 2006 (Gold Book), Under Appendix C - Application of Grey Book Conditions to Gold Book Employees.

The requirement for Brigade Managers within Nottinghamshire to reside within the County is contained within their original contracts of employment but is

primarily addressed by two specific issues. These are, the First Officer, available for immediate response, must respond and be in attendance at Gold Command or Nottinghamshire Fire & Rescue Service Headquarters within one hour of notification. This provision was agreed by the Fire Authority at its meeting of 5th September 2008 and was part of the Operation Resilience of Gold Command Officers. A second officer is required within 6-8 hrs and the remaining within 24 - 48 hrs regardless of where they may be, so if you're in Australia you've got a bit of a journey.

In respect of the individuals contract, there is a statement within the contract that " the Fire Authority reserve the right to require you (the employee) to reside or provide a permanent base within the county of Nottinghamshire in order to fulfil your contractual obligations." This has been standard protocol since the formation of the Fire Authority in 1998 and before, when it was actually a Sub-Committee. These are normal requirements of Chief Fire Officers and Senior Managers who provide Operational cover across the country. This is a standard thing in the contract of Senior Fire Officers across the whole of the County. The provision applies to all officers who work the Operational rotas of Nottinghamshire Fire & Rescue Service down to the level of Station Manager and some years ago we used to try and allocated managers to certain parts of the County so you didn't get them all living in West Bridgford, for instance.

The Chief Fire Officer was given a designate appointment by the Fire Authority, which was unanimously approved at the meeting on the full Fire Authority on 9<sup>th</sup> December 2008, following recommendations made by the Appointments Committee. This could not be made permanent until the retirement of the previous Chief Fire Officer, hence the delay in requiring the current Chief Fire Officer to comply fully with his contractual obligations in relation to his contract of employment.

In relation to the current Chief Fire Officer the "designate" appointment of the Chief Fire Officer was made permanent from 1st October 2009. This was confirmed by the Clerk to the Fire Authority in writing to him on 13<sup>th</sup> November 2009. As required within this letter the Chief Fire Officer was informed of his obligations in relation to his contract of employment. The Chief Fire Officer was given a designate appointment by the Fire Authority, approved unanimously the previous December 2008 at the meeting of the full Authority (19th December) following recommendations made by the appointments committee. This could not be made permanent until the retirement of the previous Chief Fire Officer hence the delay in requiring the current Chief Fire Officer to comply fully with his contractual obligations.

Currently two of the four principal officers live within the County on a permanent basis, one provides a second home which meets the requirements of a permanent base and the fourth is in discussion with the Chief Fire Officer over relocation. All currently meet the operational requirements as previously outlined."