

Meeting COUNTY COUNCIL

Date Thursday, 17 December 2009 (10.30 am – 2.30 pm)

Membership

Persons absent are marked with `A`

COUNCILLOR

David Taylor (Chairman)
Thomas A J Pettengell (Vice Chairman)

Reg Adair		Bruce Laughton
John Allin		Keith Longdon
Fiona Asbury		Rachel Madden
Chris Barnfather		Geoff Merry
Michael Bennett		Mick Murphy
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
Michael J Cox		Mel Shepherd MBE
Jim Creamer	A	S Smedley
Bob Cross		Mark Spencer
Mrs Kay Cutts	A	June Stendall
V H Dobson		Andy Stewart
Sybil Fielding		Martin Suthers OBE
Stephen Garner		Lynn Sykes
Michelle Gent		Parry Tsimbiridis
Glynn Gilfoyle		Gail Turner
Keith Girling	A	Keith Walker
A John M Hemsall		Stuart Wallace
Stan Heptinstall MBE		Les Ward
Rev. Tom Irvine		Gordon Wheeler
Richard Jackson		Brian Wombwell
Rod Kempster		Martin Wright
Eric Kerry		Liz Yates
John Knight		Jason Zadrozny

OTHERS IN ATTENDANCE

Martin Brandon-Bravo (Honorary Alderman)

OFFICERS IN ATTENDANCE

Mick Burrows	(Chief Executive)
Jayne Francis-Ward	(Monitoring Officer)
Chris Holmes	(Chief Executive's Department)
Sara Allmond	(Chief Executive's Department)
Carl Bilbey	(Chief Executive's Department)
Paul Davies	(Chief Executive's Department)
Daniel Roberts	(Chief Executive's Department)
Claire Dixon	(Chief Executive's Department)
Alex Sallis	(Chief Executive's Department)
Marie Lewis	(Chief Executive's Department)
David Pearson	(Adult Services and Health)
Les Cowling	(Children & Young People's Department)
Tim Malynn	(Communities)
Alan Sumbly	(Corporate Services)

OPENING PRAYER

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

1. MINUTES

RESOLVED: 2009/062

That the Minutes of the last meeting of the County Council held on 5 November 2009 be agreed as a correct record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John M Hemsall, S Smedley and June Stendall.

3. DECLARATIONS OF INTEREST

The following Members declared prejudicial interests in agenda item number 10 – Notice of Motion

- Councillor Chris Barnfather – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.

- Councillor Michael J Cox – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor Jim Creamer – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor Sybil Fielding – because she was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor Rev. Tom Irvine – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor John Knight – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor Mark Spencer – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.
- Councillor Martin Wright – because he was a member of the Planning and Licensing Committee and wished to avoid the potential of prejudicing his view of a future item of the Planning and Licensing Committee.

The following Members declared personal interests in agenda item number 10 – Notices of Motion

- Councillor Rachel Madden – as she was a founding member of Ashfield Against Landfill.
- Councillor Gail Turner – as she had campaigned against the Bentinck Void proposal for the past 11 years.

Councillor Bruce Laughton subsequently declared a prejudicial interest in agenda item number 10 – Notices of Motion as he operated an inert waste facility in Grassmoor, Chesterfield.

4. CHAIRMAN'S BUSINESS

Councillor Andy Stewart informed Council that a certificate of support had been received from SaBRE (Supporting Britain's Reservists and Employers) in recognition of pledge of support, the County Council gave to its staff, who were also reservists for our Armed Forces. Major Keith Spiers and AB Ian Hunt attended the presentation on behalf of all staff who had received the pledge from the Council. The Chairman was presented with the certificate.

5. PETITIONS

(a) PRESENTATION OF PETITIONS

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

1. Councillor Wendy Quigley – improved bus services for Retford and rural residents
2. Councillor Philip Owen – young people's discount transport card
3. Councillor Brian Wombwell – save Stapleford Recycling Centre

RESOLVED: 2009/063

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

(b) REPORT BACK ON PETITIONS

RESOLVED: 2009/064

That the contents and proposed action of the report back on a petition received on 5 November be noted and the petitioner be informed accordingly.

6. QUESTIONS

(a) QUESTIONS UNDER STANDING ORDER 7.1

Six questions had been received as follows:-

1. from Councillor Rachel Madden about the racers from junction 27 of the M1 (Councillor Mick Murphy replied)
2. from Councillor Michelle Gent concerning Sutton Bus Station (Councillor Richard Jackson replied)

3. from Councillor Rachel Madden regarding library for Annesley Woodhouse and Kirkby Woodhouse (Councillor John Cottee replied)
4. from Councillor Jason Zadrozny about sale of care homes (Councillor Mel Shepherd replied)
5. from Councillor Rachel Madden concerning flooding on A611 (Councillor Richard Jackson replied)
6. from Councillor Keith Longdon regarding former Sunnycroft facility in Eastwood (Councillor Philip Owen replied)

The full response of answers to these questions under Standing Order 7.1 are set out in Appendix A to these Minutes.

(b) QUESTIONS UNDER STANDING ORDER 7.2

There were no questions to the Chairs of the Police Authority and the Fire Authority.

7. REPORTS FROM MEMBERS

(a) CABINET MEMBERS

The Leader presented the reports to the meeting.

Comments and questions are included at appendix B to these minutes.

RESOLVED 2009/65

That the portfolio reports be noted.

(b) CHAIR OF OVERVIEW COMMITTEE

Councillor Joyce Bosnjak presented the report.

RESOLVED 2009/066

That the report be noted.

8. MEMBERS ALLOWANCES SCHEME – REPORT OF THE INDEPENDENT REMUNERATION PANEL

Councillor Reg Adair introduced the report and moved a motion in terms of the resolution 2009/067 below.

The motion was seconded by Councillor Carol Pepper.

Three letters had been received from Independent School Appeals Panel Members against the changes to the allowances scheme, copies were circulated to all Members for consideration.

RESOLVED: 2009/067

- (1) That the report of the Independent Remuneration Panel be accepted and the Panel be thanked for their work
- (2) That the recommendations as set out in Appendix 1 of the report be agreed (subject to implementing the travel and subsistence changes as set out in 3 below.)
- (3) That the changes to special responsibility allowances and changes to travel and subsistence allowances be implemented from 1 April 2010; and that changes to the interpretation of the Dependents' Carers' Allowance be implemented from the 1 January 2010.
- (4) That the Monitoring Officer be authorised to make the necessary revisions to the Constitution to implement the recommendations set out above.
- (5) That the Chief Executive be authorised to reconvene the Panel if necessary to consider future changes to the members allowances scheme.

9. MEMBERSHIP OF THE COUNCIL AND COMMITTEES

Councillor Mrs Kay Cutts introduced the report and moved a motion in terms of the resolution 2009/068 below.

The motion was seconded by Councillor Carol Pepper.

RESOLVED: 2009/068

- (1) That having regard to the current political balance of the Council the following changes be made to the allocation of seats on Committees and the Fire Authority:-

	No. of seats	Con	Lab	Lib Dem	Ind	Impact of Change
Joint Strategic Planning & Transport	4	2	1	1	0	Lib Dem gain 1 Ind lose 1
Appeals	11	6	2	2	1	Lib Dem gain 1 Ind lose 1
Audit	11	6	2	2	1	Lib Dem gain 1 Ind lose 1
Personnel	11	6	2	2	1	Lib Dem gain 1 Ind lose 1
Planning & Licensing	11	6	2	2	1	Lib Dem gain 1 Ind lose 1
Rights of Way	11	6	2	2	1	Lib Dem gain 1 Ind lose 1
Fire Authority	12	7	2	2	1	Cons gain 1 Ind lose 1

and that the allocation of seats on all other Committees and Sub-Committees remain unchanged.

- (2) That in light of the above reallocation of seats Councillor Victor Bobo be appointed to the Fire Authority in place of the second independent group member, Councillor Gail Turner.

After consideration of these reports Council adjourned from 12.25 pm until 1.45 pm for lunch.

10. NOTICES OF MOTION

Having declared prejudicial interests, Councillors Chris Barnfather, Michael J Cox, Jim Creamer, Sybil Fielding, Rev. Tom Irvine, John Knight, Bruce Laughton, Mark Spencer and Martin Wright left the meeting during consideration of this item.

It was moved by Councillor Rachel Madden and seconded by Councillor Jazon Zadrozny that:-

“This Council recognises the strength of public feeling in Ashfield against the Bentinck Void proposals, which would see the site turned into one of the largest landfill sites in Europe.

The Council further notes that new waste stations have now been opened in Nottinghamshire, that the capacity to incinerate waste is going to be enhanced, and that the residents of Ashfield are the 12th best recyclers in

the country. Both of these considerations should reduce the need for landfill in the Ashfield area.

Against this background this Council resolves to look again at the rationale for allocating the Bentinck Void for landfill.”

The following amendment was moved by Councillor Richard Butler and duly seconded by Councillor Mrs Kay Cutts.

End paragraph one at ‘proposals’.

In paragraph two, after ‘Council’ delete the remainder of the sentence and replace with ‘welcomes new facilities such as the Material Recycling Facility in Mansfield which will help us achieve our recycling targets, and supports any method of waste management, including incineration, which minimises the need to go landfill.’

In paragraph three after ‘resolves’ delete the remainder of the sentence and replace with ‘to explore alternative options such as energy recovery, recycling or re-use of waste arising within the county, as part of its consultation process to replace the existing Waste Local Plan with a new Waste Development Framework document.’

The amendment to the motion was put to the meeting and was carried on a show of hands.

The requisite number of Members requested a recorded vote and it was ascertained that the following 48 Members voted ‘**For**’ the motion.

‘FOR’

Reg Adair
John Allin
Fiona Asbury
Michael Bennett
Victor Bobo
Joyce Bosnjak
Richard Butler
Steve Carr
Steve Carroll
Allen Clarke
Ged Clarke
L B Cooper
John Cottee
Bob Cross
Mrs Kay Cutts
V H Dobson

Stephen Garner
Michelle Gent
Keith Girling
Stan Heptinstall MBE
Richard Jackson
Rod Kempster
Eric Kerry
Rachel Madden
Geoff Merry
Mick Murphy
Philip Owen
Carol Pepper
Thomas A J Pettengell
Mike Quigley MBE
Mrs Wendy Quigley
Alan Rhodes

Ken Rigby
Kevin Rostance
Mrs Sue Saddington
Mel Shepherd MBE
Andy Stewart
Martin Suthers OBE
Lynn Sykes
David Taylor

Parry Tsimbiridis
Gail Turner
Stuart Wallace
Les Ward
Gordon Wheeler
Brian Wombwell
Liz Yates
Jason Zadrozny

No Members voted 'against' the motion

The amended motion was declared to be carried and it was:-

RESOLVED: 2009/069

That this Council recognises the strength of public feeling in Ashfield against the Bentinck Void proposals.

The Council welcomes new facilities such as the Material Recycling Facility in Mansfield which will help us achieve our recycling targets, and supports any method of waste management, including incineration, which minimises the need to go to landfill.

Against this background this Council resolves to explore alternative options such as energy recovery, recycling or re-use of waste arising within the county, as part of its consultation process to replace the existing Waste Local Plan with a new Waste Development Framework document.

12. ADJOURNMENT MOTIONS

There were no motions to adjourn the Council.

The Chairman declared the meeting closed at 2.30 pm

CHAIRMAN

M_17DEC09

APPENDIX A

COUNTY COUNCIL MEETING HELD ON 17 DECEMBER 2009

QUESTIONS UNDER STANDING ORDER 7.1

Question to the Cabinet Member for Community Safety from Councillor Rachel Madden

Can the Portfolio Holder for Community Safety give me a progress report on actions proposed to remove the racers from the Junction 27 area and give any assurance to the residents of Woodhouse as to when this continuous nuisance to end?

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

"It also is an issue of concern to myself through my Portfolio and through me as an Ashfield Member. At the last meeting of the Ashfield Members Forum I gave a full update on the current position. I do not wish to do that today but I will further update you as we are today.

I visited Junction 27 last Sunday evening prior to knowledge to this question today. I spent around two hours there from 10 o'clock 'til midnight in horrendous weather, and I was horrified at the number of "racers" there and the manner in which they were driving.

I am determined to do whatever I can to ensure the nuisance is brought to an end. As Members are aware the County Council did obtain an Injunction to cover this said "boy racers" which, with effective enforcement, did appear to be working well. Unfortunately the courts ruled that this was not an appropriate method to control such racers and recommended the use of Anti-Social Behaviour Orders.

Since the loss of the Injunction Powers the situation at Junction 27 has worsened. I am working with police officers, the Community Safety Team to explore all options to stop this danger on our highways. In the short term the Police will continue to use existing traffic legislation however this has been taking place over a sustained period and a permanent solution needs to be found. We will explore all the uses of legislation to discourage this behaviour, implement good practice and I will continue to work with all agencies to deliver this improvement. And I will continue to keep you informed and give you a copy of the last report at the Ashfield Members' Forum, if you'd like that report."

Question to the Cabinet Member for Transport and Highways from Councillor Michelle Gent

I asked about the Sutton Bus Station a few months ago. I wonder if you have an update on it? Specifically the shoddy finish that it had been left at and the

general state of cleanliness? Also many aspects have not yet been installed at all. When can my residents expect this project to be finished to at least a minimum standard?

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

“The improvements to the bus station were completed in April 2009 and have been well received locally. A decision was taken not to install public art following a consultation exercise which indicated that there was little public support for this. The cleaning regime is the responsibility of Ashfield District Council, and I have asked my officers to investigate the standard of cleanliness and to make appropriate representations to the District Council if there are any deficiencies.

I would be happy for an officer to meet with Councillor Gent to discuss any specific issues at the bus station, if that would be helpful.”

Question to the Cabinet Member for Culture and Community from Councillor Rachel Madden

I understand that the Library for Annesley Woodhouse and Kirkby Woodhouse on Skegby Road is still being considered for closure. Can the Portfolio Holder for Culture, advise me of the latest in this proposal and any future stages in this process, including any involvement of outside agencies, eg Ashfield District Council.

Response by Councillor John Cottee, Cabinet Member for Culture and Community:

“There are no plans to withdraw the library service from Annesley Woodhouse area, and we are working to improve the service through seeking opportunities to either redevelop the current library or co-locate it within the community facility. A potential co-location opportunity within the new community centre on Acacia Avenue is currently under negotiation with Ashfield District Council and the managers of the building Ashfield Community Radio and Media. And the local member, if anything does progress, will be informed and the general area would be consulted as to any changes in the provision of that area.”

Question to the Cabinet Member for Adult Social Care & Health from Councillor Jason Zadrozny

The Conservative plans to sell Nottinghamshire’s highly valued care homes is causing great distress and anger amongst local residents.

Given the pledge of the administration to keep the homes if private sales cannot be achieved, can the Portfolio Holder outline his plans to improve and maintain the current care homes should they not find a private buyer.

Can he also outline how the essential additional expenditure will be met.

I would be fascinated to know how the Council will not only find this additional money but also plug the gap in the proposed budget if these homes are not taken off the authorities books.

Response by Councillor Mel Shepherd MBE, Cabinet Member for Adult Social Care & Health:

“The previous strategy agreed by Council in 2008 involved closing 5 homes. The impact of this was that the residents would have to move and there would be resulting job losses for the staff in the homes.

In the Manifesto commitment we wished to allay the concerns of the residents that they would have to move, by where possible, selling the homes as a continuing residential service so that the residents could remain in their home with their friends and continue to be cared for by staff that they know and feel comfortable with.

As you know because two homes were in such a poor state and there were unacceptable health and safety risks, they had to be closed by the Director.

Our proposals are to invest money in 160 new extra care places, which gives older people access to 24 hour support in a safe, purpose built environment. We know that for many people now, and in the future, extra care is a popular and realistic alternative to residential care. This will provide more choice for older people in Nottinghamshire.

The County Council currently provides residential care for just over 400 people in Nottinghamshire, but we also fund over 2500 in independently run care homes. The budget proposals also include an extra £2.3 million towards the implementation of a new pricing framework called “Fair Price for Care”. This rewards quality care in the private sector and is backed up by monitoring of standards by a team drawn from health and social care. These arrangements place us in the forefront of authorities in seeking to improve the overall quality of residential and nursing care for all the residents in Nottinghamshire.

As with all County Council properties, care homes have regular surveys to identify the maintenance requirements over a five year period. The Department has a budget to provide maintenance and the programme is kept under review to ensure that essential maintenance is being carried out. If there is a shortfall in funding of maintenance then this is the subject of consideration in the Council's budget setting process. For instance, you will be aware that in the budget proposals for 2010/11 there is a proposal to make additional provision of £1.5 million to fund additional essential maintenance.

You ask what will happen if we are unable to find a suitable provider to run the homes? Our manifesto is quite clear and I have said publicly on a number of

occasions that we will take all reasonable steps to keep the homes open. We are out to consultation on these proposals based on external advice that there are likely to be interested parties in taking over the homes. It is never the practice in any budget setting to publish an alternative plan. However, if any of the Council's budget proposals are not agreed, other savings will have to be found and we will obviously consult on the alternative proposals."

Question to the Cabinet Member for Transport and Highways from Councillor Rachel Madden

Can the Portfolio Holder for Transport and Highways advise me if there is any urgent action planned to solve the perennial problem of heavy flooding every time it rains on the A611 on the stretch southwards from Annesley Cutting? The drains in the dip between the edge of the woods and the traffic lights at the junction with A608 are totally inadequate, leading to deep water across the whole carriageway, and something needs to be done now before there is a serious pile-up on this very busy road. In the recent rainy period three cars aquaplaned in one hour alone!

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

"We are aware of the highway drainage issues on the A611 to the south of Annesley Cutting, and improvements to the drainage involving the construction of a large soakaway were carried out in February last year. Following complaints a few weeks ago, gullies are being cleaned again this month, and they will continue to be monitored regularly.

There is no positive outfall for the highway drainage at this location and major improvement at this site will be difficult and costly but we will continue to work with all parties that have an interest in surface working water management to reduce the highway flooding risk there.

I look forward to Councillor Madden's support for our budget proposals to provide additional monies for gulley emptying, drain maintenance and capital allocations for gulley renewals. If approved, this will benefit all in addressing problems across the county."

Question to the Cabinet Member for Children & Young People's Services from Councillor Keith Longdon

Would the Cabinet member please inform me what is happening to the former Sunnycroft facility in Eastwood?

The previous administration promised the town that it would be refurbished and reopened as a new youth facility.

I have seen no outlines or plans as to when this is to take place, so please could I be told when work on the centre is due to begin?

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

"The County Council intends to establish a new, £2million purpose-built Young People's Centre on the "Sunnycroft" site in Eastwood.

The site was originally owned by Broxtowe Borough Council. Discussions over the value of the land between both Authorities took a significant period of time to resolve in 2007 and through to 2008, due to differences in our respective valuations of the site. The Borough Council originally viewed the site as a commercial property, whilst the County Council, of course, valued the site as a community property because they wanted to put a youth club on it.

The project is co-funded by the County Council and the Department for Children, Schools and Families Co-location Fund, which will provide up to £1million towards the project.

The existing HORSAs building on the site will be demolished in early January to ameliorate local concerns regarding safety and vandalism.

A planning application is due to be submitted imminently, with the outcome expected in February/March 2010.

At present, officers are working closely with architects and young people to complete the design and layout of the Centre, which will offer state of the art youth centre facilities for local young people, and access to a range of support services for those young people that need them, including carers support and health advice.

The new Centre has a proposed completion date of December 2010."

APPENDIX B

COUNTY COUNCIL 17 DECEMBER 2009

REPORTS FROM CABINET MEMBERS

1. Leader's report

In response to a question, Councillor Cutts advised that the Police Authority would ensure that their new general telephone number for non-emergency calls would be widely publicised.

2. Deputy Leader's report

In response to a question, Councillor Suthers provided an update on the new Leaders Board and the current situation with the Greater Nottingham Partnership.

3. Adult Social Care and Health

Members asked that congratulations be extended to all in the departments for the superb work done in achieving the three star excellent service rating.

4. Children and Young People

In response to a question about anti-bullying, Councillor Owen stated that the administration took the issue seriously. He was pleased that schools had been involved in the anti-bullying showcase event.

5. Community Safety

Members were pleased to see the work done by Trading Standards regarding the fireworks initiative and wished their thanks to be passed on to the Fire Brigade, Police and Trading Standards for the good work, which showed how partnerships between the organisations worked well.

In response to a question Councillor Murphy informed Members that underage drinking was an area of real concern and he was working closely with Trading Standards on the problem.

6. Culture and Community

In response to a question on funding for the Teversal Trails Councillor Cottee responded that plans for the continued maintenance of the grasslands was being developed and he accepted an invitation to see the area.

Members wished to congratulate Sam Hynd for his success at the European Swimming Championships in Reykjavik, along with the rest of the team.

Members were also pleased to see that W E Gladstone, who had a Nottinghamshire connection as a former MP for Newark, was to be recognised in an exhibition as it was important to promote local history.

7. Environment and Sustainability

Members welcomed the initiative to recycle batteries, but were concerned that not all recycling centres were accepting paint tins anymore, when they should be. This meant that paint tins could easily end up in normal waste. Councillor Butler informed Members that he was investigating the matter and would be bringing forward proposals.

In response to a question Councillor Butler informed Members that he supported the Building Better Communities (BBC) scheme but felt that there was confusion over its name, however, and an alternative name was being sought.

8. Finance and Property

In response to a question regarding the Building Schools for the Future and the fact that Selston Arts and Community College was not on the list of schools to be redeveloped under the programme, Councillor Adair agreed to ask Councillor Owen to look into the matter.

9. Personnel and Performance

In response to a question on how the negotiations were going with the Trade Unions, particularly in relation to their ideas for alternative savings, Councillor Stewart responded that the negotiations were ongoing and friendly.

10. Transport and Highways

In response to questions surrounding the proposal to allow residents to buy their own interactive speed signs, Councillor Jackson responded that the change in policy took away the deprivation index criteria, so that the criteria was just on road safety. Privately financed signs would only be allowed in areas of proven need and would not be allowed in dangerous locations.

The 15 mobile signs were relatively expensive to maintain, and it was considered that 15 were enough to meet the demand.

The proposal to reduce speed limits around schools to 20mph was already being investigated and Councillor Jackson agreed that he would welcome any relaxation in the Government criteria regarding speed limits to allow speed limits to be set at a local level by those who would know the area best.